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THE

MISCELLANEOUS

WORKS

Of the late REVEREND and LEARNED

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CONTENTS

OF THE

FOURTH VOLUME.

I. *ORATIO de novo Physiologiæ explicandæ munere ex celeberrimi Woodwardi Testamento instituto. Habita Cantabrigiæ in scholis publicis.* P. 1

II. *De Latinarum literarum pronunciatione Dissertatio.* 21

III. *Bibliothecæ Cantabrigiensis ordinandæ methodus quædam; quam Domino Procancellario Senatuique Academico considerandam & perficiendam officii et pietatis ergô proponit.* 45

IV. *De Medicorum apud veteres Romanos degentium conditione Dissertatio; contra viros celeberrimos Jac. Sponium & Ric. Meadium, M. DD. Servilem atque Ignobilem eam fuisse ostenditur.* 83

V. *Dissertationis de Medicorum Romæ degentium conditione ignobili et servili, contra Anonymos quosdam notarum brevium, responsionis, atque animadversionis autores, Defensio* 121

VI. *A Treatise on the Roman Senate, in two parts. The first part contains the substance of several letters, formerly written to the late Lord Harvey, concerning the manner of creating Senators, and filling up the vacancies of that body in Old Rome. The second part, which is now added, contains a distinct account,* 1. *Of the power and jurisdiction of the Senate.* 2. *Of the*

the right and manner of convoking it. 3. *Of the places in which it was usually assembled.* 4. *Of the legal times of holding their assemblies.* 5. *Of the different ranks and orders of men in the Senate, and of the forms observed in their deliberations.* 6. *Of the nature and force of their decrees.* 7. *Of the peculiar dignity, honors and ornaments of a Roman Senator.* 177

VII. *Preface to the translations of Cicero's letters to Brutus, and of Brutus to Cicero.* 305

ORATIO

DE NOVO

Phyſiologiæ Explicandæ

MUNERE,

EX

Celeberrimi WOODWARDI Teſtamento

INSTITUTO:

Habita CANTABRIGIÆ in Scholis Publicis a
CONYERS MIDDLETON, S. T. P.

Academiæ Cantabrigienſis Protobibliothecario &
Lectore ibidem WOODWARDIANO.

ORATIO

DE NOVO

PHYSIOLOGIÆ EXPLICANDÆ

MUNERE, &c.

CUM res præclarè geſtæ, aut ad communem utilitatem ſapienter inſtitutæ, apud omnes ferè gentes, ſolenni hominum cœtu ludiſque celebrari, & poſteritatis memoriæ commendari ſolerent; tum muneris hodierno die inſtituti dignitas, quæ hunc doctorum virorum conventum frequentiamque congregavit, id etiam meritò flagitare videtur, ut non ſine publicâ quâdam gratulatione jam primùm ſuſcipiatur, & ad ſempiterna literarum commoda ſolenni oratione conſecretur. Nam ſi honoribus artes aluntur, & ſi ab artium literarumque gloriâ Academiæ noſtræ vitam ſpiritumque ducunt, nihil ſanè Academicis lætabilius, nihil gratulatione dignius accidere poteſt, quàm præmia literarum ſtudiis alendis publicè aſſignata.

Quamobrem gratulari vobis imprimis liceat nova hæcce Almæ Matri addita ornamenta; novos hoſce, quibus ipſe nunc fungor, honores: non enim meos eſſe putetis, quòd ad me

primùm delatos cernitis ; veſtri ſunt, Academici ; vobis in commune propoſiti ; veſtrumque certè aliquis hos ipſos laborum ſuorum fructus poſthac percipiet ; me propterea doctior, digniorque, quod hoc jam præmio conſtituto, atque hâc tantâ ſcientiæ ſupellectile comparatâ, ſtudio & meditatione inſtructior accedat neceſſe ſit.

Opinionem quandam apud homines doctos eſſe ſentio, doctrinæ artiumque bonarum ſtudia hebeſcere per hoſce annos, & languere cœpiſſe : idque iniquæ noſtrorum temporum conditioni, factionibuſque iſtis, quæ Rempublicam tam diu vexârunt, adſcribendum plerique cenſent ; quibus juventus noſtra infecta penitus atque imbuta, non doctrinâ ſeſe ornare, non artibus inſtruere curat, niſi eis, quibus ad honores, Magnorumque gratiam viam ſibi muniri cernit, partium ſcilicet, non literarum ſtudiis.

Ego verò crediderim potius, Academici, veterem iſtum ſtudiorum ardorem idcirco jam paulatim deferbuiſſe, quòd artes fere omnes noſtrorum hominum ingeniis ita elaboratæ & excultæ & ad illud quaſi culmen & faſtigium evectæ ſunt, ut nullos ultra progreſſus capere poſſe videantur : ita ut præ gloriæ fructûſque aſſequendi deſperatione, operæque & temporis perdendi metu, curſum multi inſtitutum omittere, aliamque ſibi vitæ & fortunarum viam inveſtigare

veſtigare cogantur. Artiumque adeò Victrix Alma Mater, literarum penitus orbe peragrato, otio ferè languida & mœſta, ſortem jam ſuam deflere videtur, quòd nihil ultra reſtet debellandum, nec alia ſcientiarum regio peragranda.

At ecce Vobis novus jam tandem Orbis commonſtratus! novi Scientiæ campi patefacti! & digni illi quidem, quibus in colendis induſtriam ingeniumque veſtrum exerceatis, cùm tot eruditionis inſtrumenta, tantam Studiorum novorum materiem, in hoc literarum emporium importari inde videatis.

Has nobis regiones, tantis frugibus fœtas, divitiis refertas aperuit, *Woodwardus*; & ad eum finem aperuit, ut hac præmiorum ubertate invitati in noſtram illas ditionem redigeremus. Haud aliter populorum duces, quas ſibi terras ſubigendas, occupandaſque deſtinaverant, earum terrarum fruges, merceſque publicè exponere ſolitos accepimus, quo ſtudium ſuis animoſque ad labores perferendos adjungerent.

Woodwardi autem nomen, cujus tanta in nos beneficia hodierno die celebramus, ad ſeſe orationem meam vocat, & de laudibus ejus prædicandis admonet. Nihil enim æquius, quàm cujus ex liberalitate hoc ipſum dicendi munus ortum atque originem duxerit, ut ab eo potiſſimùm ornando dicendi etiam materiem argumentumque ducamus.

Hunc laudis & gloriæ fructum illuſtria clarorum virorum facta tanquam mercedem requirunt ; non tam mortuorum famæ debitam, quàm viventium utilitati accommodatam, quò nos aliorum laudibus, quaſi gloriolæ ſtimulis admotis, ad virtutes eorum aſſequendas concitemur.

De homine verò tam celebri, tam ab omnibus cognito, & in urbe ampliſſimâ, oculiſque civium vitam omnem degente, quid omnino novi & inauditi proferri poterit ? Quid, in quo non Vos ipſi dicentis vocem prævenire & antevertere queatis ? Etenim ſi, quod de Medico ante omnia prædicandum, de Medicinæ ſcientiâ & laude ejus præſtanti dicerem ; at quis ignorat, *Woodwardi* nomen inter ſummos Artis Profeſſores principem ſemper locum obtinuiſſe ? multoſque hoc ipſo tempore ſupereſſe novimus, qui quod vivant valeantque *Woodwardo* ſe uni debere profitentur.

Si, quod nos potiſſimùm commovere debet, Doctrinam ejus excellentem multiplicemque celebrarem ; at ſcripta ejus, omnium manibus trita, omniumque pene in linguas converſa, illam jam diu demonſtrant.

Si, quod hujuſce diei celebritas poſtulare maximè videatur, Liberalitatem ejus animique magnitudinem commemorarem ; at hoc ipſum munus, quo jam fungor, illud omne vel me tacente

tacente declararet; atque hæc noſtra Academia ſempiternum munificentiæ ejus monumentum extabit.

In his autem egregiis *Woodwardi* virtutibus, quas omnibus notas, & cum nonnullis etiam communes habuit; habuit tamen in ſingulis ita proprium ſuum quiddam & peculiare, ut quiſquis illo familiariter uſus eſſet, novam facilè & præcipuam laudis materiem elicere inde poſſit.

In Medicinâ enim nonnulla, ſi non ab eo inventa, at auctoritate ejus commendata, & in communem uſum recepta, magni ad vitam hominum conſervandam momenti eſſe reperiuntur. Ingenio autem uti in omnibus eleganti erat, & polito, ſic præſcripta ſua ita temperanda ſemper & adminiſtranda curavit, ut vim ſuam non certiùs modò citiúſque obtinerent, ſed ut nauſeæ ſimul minus & faſtidii ægris & languentibus darent. Quod verò maximum eſt; non artem ſuam ad ambitionem avaritiamve accommodare; non magnorum gratiam divitumque copias obſequiis captare; ſed pauperibus potiùs opem benevolam & gratuitam præbere ſolebat.

Vidi ego, Academici, fores ejus, tanquam Æſculapii quoddam veſtibulum, debilium turbâ refertas; quibus ſi vires modò ſuppeterent, ut ejus in conſpectum venirent, de reditu parum cogitâſſe videntur; tantam in eo uno valetudi-

nis recuperandæ ſpem fiduciamque poſuerant. Nec ſpes quidem illos ſæpe fefellit; nam tantâ ille omnes tum patientiâ tum comitate excepit, quaſi non curare ſolum, ſed placere etiam ægris ſtuduiſſet; nullâ ſibi laboris mercede propoſitâ, niſi quam animi conſcientia ſuppeditaret; & vel rei ipſius famam comprimere cupiiſſet, ni famam iſtam plures ad ſe ægrotos invitaturam, pluresque adeò benefaciendi occaſiones daturam ſibi ſperâſſet. Haud mirum igitur, quod quibus artibus Æſculapius in Cœleſtium numerum evectus fuerit, iiſdem *Woodwardus* miſeris hiſce quaſi præſens quidam Deus haberetur.

Doctrinam autem ſuam non Artis ſuæ anguſtiis terminavit; neque eâ contentus fuit, quæ ad ſummi Medici famam ſatis eſſet, niſi omnem iſtam cognitionis & ſcientiæ ferè infinitatem animo comprehendere ac complecti potuiſſet. Quoties eum in Bibliothecâ ſuâ, quam inſtructiſſimam habuit, de Artium omnium ſtudiis ita diſputantem audivi, ac ſi diſputandi copiâ & ubertate vel librorum ſuorum copiam varietatemque adæquare conaretur? Ita tamen de ſingulis eruditè; ac ſi in arte illâ, de quâ diſſerebat, enutritus, eamque unicè profeſſus eſſet? In rerum autem Romanarum cognitione tam curiosè verſatus eſt; ut me, qui huic ipſi rei non operæ certè parum ſtudiique dediſſem, quique Romæ etiam fuiſſem, ab homine occupato, aliudque agente, tantopere ſuperari non tam moleſtè quidem ferre, quàm mirari ſolerem. Quic-

Quicquid verò in reliquis studiis profecerit; in Physicâ certè neminem sui similem paremve habuit: eam autem velim Physicæ partem, quæ in Fossilium, uti vocant, rerumve, quas Terra intùs in venis inclusas contineat, naturis explicandis versatur. Viderat ille ex hâc ipsâ Academiâ *Newtonum*, divino planè ingenio hominem, cuncta quæ supra sunt, quæque adspectabilem Mundi fabricam constituunt, sicuti provinciam suam propriam occupâsse, & accuratè admodum explicuisse; Deumque inde Mundi ipsius conditorem, Rectoremque demonstrâsse. Noster igitur, ingenio haud dispari, eodemque naturæ investigandæ studio incensus, at contrariâ viâ insistere & sub terras penetrare cogebatur: Nec minora tamen inde rerum miracula eruit; Diluvium Universale; Sacrarum literarum fidem; Deum.

Sic jam duplex quoddam contra Atheos conficitur tandem argumentum; quod, Quercûs ejus Virgilianæ ad instar, quantum auras ad æthereas, atque in altum caput attollit, tantum deorsum pariter, atque ipsa in Tartara radicibus tendit.

Sic veterem istam Orphei fabellam *Woodwardum* quodammodo egisse vidimus; quamque uxoris usque loco adamaverat, Scientiam quasi ex inferis evocâsse.

Dum-

Dumque *Newtonus* ex Solis naturâ perſpectâ, lucis ſimul naturam explicuit; hic noſter ex caligine ipſâ, mediiſque è tenebris elicuit lucem.

Alii rerum naturalium inveſtigatores Foſſilia iſta non niſi ad corporis curationem uſuſque medicos conquirenda & adhibenda exiſtimârunt: *Woodwardus* autem altiora longè ſapiens, eaque tanquam nobilioris ſtudii inſtrumenta conſiderans, ad animi medicinam cultumque princeps adhibuit. Hâc ſemel cogitatione impulſus nullam ſibi requiem dare potuit, donec omnia, quæ e Terræ viſceribus rariora ubivis gentium effodiantur, infinito ſumptu & labore conquiſiiſſet & in capſulas ſuas condidiſſet. In illâ Arcâ, Quicquid India ferè utraque pretioſi habeat, non ad luxum, vitæque delicias; ſed ad animi paſtum, ad ſcientiam repoſitum; in illâ, auri argentique pondus, non ad quæſtum avaritiamque, ſed ad Philoſophiam, ad Naturæ contemplationem reconditum videatis. Hanc enim rerum rariſſimarum collectionem, non oſtentationis aut gloriolæ, ſed argumenti gravis magnique illuſtrandi cauſâ comparaverat; quò Moſaicæ ſcilicet Hiſtoriæ fidem, Diluvii univerſalis veritatem, reſque in eo omnes fuſas quaſi communiter inter ſe & liquefactas oſtenderet: In quâ quidem diſputatione, hæc ille omnis generis Foſſilia, quaſi totidem argumenta & teſtimonia expoſuit. Quicquid enim

in

in iſtâ Univerſæ Naturæ perturbatione accidiſſe credibile eſt, illud omne ex rebus ipſis ab eo collectis perſpicere jam atque oculis planè intueri licet. Hìc res naturâ & genere diverſiſſimas, animatas cum inanimis, marinas cum terreſtribus confuſas, & in unum corpus conflatas cernimus : quibuſque rebus Natura non niſi imum Oceani fundum, uti nativam ſedem, aſſignâſſet ; eas hìc tum ex ſummis montium jugis, tum ex imis ſæpius radicibus effoſſas contemplamur : Hìc tenera plantarum piſciumque corpora in lapidibus jam indureſcentibus inhærentia atque incluſa, formam ſui & effigiem vel duriſſimis ſaxis impreſſiſſe admiramur : Quod fieri quidem omnino potuiſſe, niſi ex Diluvii omnia diſſolventis permiſcentiſque vi, incredibile ſanè videtur.

Hanc autem viri docti ſententiam libri ejus ingenioſè admodum & eruditè conſcripti confirmant : de quibus, cùm diſſertationibus ex hoc ipſo loco habendis materiem ſint aliquando præbituri, nihil jam amplius dicam, quàm quod omnium plauſu excepti, omniumque pæne in linguas converſi, *Woodwardi* nomen per orbem literatum clarum & nobile reddiderunt.

Mihi enim credite, Academici, cùm in exteris gentibus verſarer, plura de hoc uno homine a me fuiſſe quæſita, quàm, *Newtono* excepto, de reliquis fere omnibus Angliæ noſtræ literatis :

literatis : tanta tum ſcriptorum ejus, tum rerum, quas ex omnibus planè locis coëmerat, fama per cunctas nationes pervaſerat.

Pudet ferè dicere, hunc talem tantumque virum ad illud doctrinæ & virtutis faſtigium propriis viribus & ingenio, abſque hac noſtrâ diſciplinâ pervenire potuiſſe : & ejuſmodi homines, ſi vel numero plures vel temporibus ſæpius exiſterent, vererer profectò, ut Academiæ noſtræ inutiles meritò cenſerentur. Sed rari admodum tam excellenti naturâ, & in ſingulis ætatibus vix ſinguli reperiuntur ; atque is ipſe, de quo dicimus, egregiâ ſuâ in hanc Academiam liberalitate, quanto eam Reipublicæ ornamento eſſe cenſuerit, moriens declaravit : Declaravit, inquam, illud ſibi unum ad perfectam laudem defuiſſe ; quod ad naturale illud ingenii bonum non inſtitutio etiam Academica acceſſiſſet.

Multos cognovimus, viros quidem bonos & eruditos, qui ita ſeſe literarum ſtudiis abdiderunt, ut nihil inde ad communem hominum fructum offerre potuerint : At *Woodwardus* noſter, cùm vitam civibus ſuis quàm maximè fructuoſam atque utilem degiſſet, eandem quoque curam vel moriens non dimiſit ; ſed quò patriæ plurimum etiam in morte prodeſſet, ſtudioſè proſpexit. Hoc conſilio armaria iſta præclara, a curioſis tantopere celebrata, omnique Foſſilium genere referta, immenſam quandam

dam ſtudiorum & ſcientiæ ſupellectilem, nobis teſtamento legavit : quodque in vita cariſſimum habuerat, illud nobis conſervandum, noſtræ fidei ac tutelæ mandandum curavit : Theſaurum, vel Regum gazis anteferendum ; quippe qui nec auro redimi, nec pretio comparari, nec niſi ſummo ſtudio & induſtriâ hominis tum eruditi, tum divitis, atque in illo uno & operam & pecuniam etiam omnem collocantis conquiri & colligi poterat. Et quò ad publicos demum uſus, quibus ille unicè ſtuduerat, promptior paratiorque hic rerum theſaurus eſſet ; Cuſtodem ei atque Interpretem, qui Foſſilium præcipuè ſcientiam Juventuti Academicæ explicaret, ſtipendio amplo & liberali inſtructum conſtituit.

Hoc quàm præclarum Academiæ noſtræ ornamentum, quod in nullâ aliâ Academiâ reperitur ? Quàm præclarum pariter de diſciplinâ noſtrâ ac virtute teſtimonium, quod *Woodwardi* judicio graviſſimo confirmatur ? Nos enim ille optimos ſcientiarum cuſtodes ; Religionis propugnatores ; Moſis defenſores, ſuâ certè ſententiâ declaravit, qui noſtras potiſſimum in manus defenſionis ejus inſtrumenta tradenda eſſe voluit. Nec honorificè minus de nobis etiam exteri exiſtimabunt, cùm *Woodwardum* audierint, nos rerum ſibi cariſſimarum conſervatores, famæ & nominis tutores, bonorum hæredes delegiſſe.

Noſtrum

Noſtrum modò erit, Academici, hominis tantopere de nobis meriti judicio ſervire, voluntati obtemperare, hominumque expectationi ſatisfacere. Ut *Woodwardo* enim glorioſum fuit, tantam nobis eruditionis materiem comparâſſe ac reliquiſſe; ſic nobis ſanè turpiſſimum erit, quod ab alteriùs virtute accepimus, illud noſtrâ ornare ac tueri non poſſe. Sed meliora de vobis augurari licet; ex hoc enim tam celebri ordinum omnium concurſu ſtudium planè veſtrum ardoremque agnoſco; agnoſco, inquam, verum illud Athenienſium veterum ingenium, novi ſemper aliquid cognoſcendi audiendique avidum.

Animos hominum, cùm e corporibus exceſſerint, remanere tamen & æternos eſſe, magnum ex illo argumentum petiere veteres, quod optimum quemque, immortalitatis amore flagrantem, futura ſemper proſpicere, & poſteritati maximè ſervire vidiſſent: Naturâ quaſi ex optimis iſtis ingeniis ſignificante, eſſe aliquid, quod ad nos etiam poſt mortem pertineat. Et Tu quoque, Præſtantiſſime *Woodwarde*, novum quoddam huic argumento, nec leve illud quidem, tuæ auctoritas pondus adjeciſti; quem eâdem viâ, ac veteres illos Heroas poſteritati ſerviendo, hominesque juvando ad cœlum atque immortalitatem contendiſſe vidimus. Et dum beatorum in ſedibus debita virtuti tuæ præmia percipis; ſi quis in mortuis reſideat

reſideat rerum humanarum ſenſus, ad gaudia iſta, quibus jam perfrueris, hoc certè, quaſi cumulus quidam, accedet, quòd quæ in publica patriæ commoda tantâ cum ſapientiâ excogitâras, effectum jam ſuum obtinere, atque ad exitum perduci ſentias: Quod hanc optimorum juvenum frequentiam, hunc doctiſſimorum hominum cœtum, Tui nominis auctoritate, Tuique imitatione excitatum, ad virtutem arteſque bonas propagandas tanto ſtudio conveniſſe videas.

Quæ verò, Academici, de *Woodwardo* dixi, ſiquis me glorioſè nimis & adulatoriè dixiſſe arbitretur, propterea quod in virtutibus ejus celebrandis de vitiis prorſus tacuerim; is de mortuo me loqui meminerit. Vitia eum habuiſſe fatendum eſt; quibus neminem unquam mortalium caruiſſe cognovimus; illa verò cùm in vitâ virtutum ſplendore obruerentur, poſt mortem ſanè obliterari penitus debent. Nam ſi de mortuis, uti aiunt, nil niſi bonum; de eo certè nihil aliud prædicandum, a cujus vel mortui liberalitate hæc tanta beneficia accepimus; de eo, inquam, qui non benignitati ſuæ eoſdem ac vitæ terminos eſſe voluit; neque mortem ipſam benefaciendi ſibi poteſtatem præripere paſſus eſt.

Sed de mortuo hactenus: Ad vivos jam ſeſe conferat Oratio.

Fruſtra

Fruſtra enim tali erga nos animo; fruſtra tantâ in hanc Academiam benevolentiâ fuiſſet *Woodwardus*; ni alios etiam ſui ſimiles, eodem animo, eâdem benevolentiâ poſt ſe reliquiſſet, Teſtamenti hæredes, voluntatis exequendæ curatores. Fruſtra, inquam, hæc tam liberaliter tum in nos tum in patriam ipſam conſilia ſuſcepiſſet, ni alios vivus delegiſſet, qui ſe mortuo conſiliis ſuis vim effectumque darent, nec ſpes quidem eum, opinioque de hominibus concepta fefellit. Illi enim, quod traditum ſibi commiſſumque habuerant, magno licèt cum labore & moleſtiâ conjunctum, ſummâ in mortuum pietate, ſummâ in nos benignitate, ſummâ fide ac diligentiâ abſolverunt, & ad finem tandem deſtinatum perduxerunt. Hos igitur viros, officii licèt conſcientiâ contentos, nec laudem ullam plauſumve captantes, at noſtrâ, at virtutis ipſius cauſâ cum honore nominare, debitiſque laudibus celebrare debemus.

Imprimis igitur honoris gratiâ commemorandus vir Prænobilis & Honoratus *Dixieus Windſor*; non tam nobilitate, quâ tamen maximâ floret, quàm virtute propriâ conſpicuus: quem in hac Muſarum ſede multos annos ita verſantem vidimus, ut Nobilibus, modeſtiæ, humanitatis, facilitatis, & vel Infimis, diligentiæ, officii, legumque noſtrarum obſervantiæ exemplum ſemper proponeretur.

Ad

Ad publicum autem Britanniæ Concilium miſſus ab hoc municipio, per annos pluſquam viginti Legatus, tum in Academiæ, tum in univerſi populi negotiis commodiſque tuendis eam fidem, gravitatem, conſtantiam adhibuit, ut non apud nos ſolum, ſed per Angliam totam fama ejus clara & illuſtris pervagaret. *Woodwardo* igitur de Cantabrigia noſtra ac Patria ſimul ornanda cogitanti, Hunc certè hominem ſi non privata amicitia, at publica civium vox auctoritaſque ſocium adjutoremque dediſſent.

Præfuit ſimul huic negotio vir illuſtris & liberalis *Hugo Bethel*; qui in exteras terras proficiſcendo, varioſque hominum mores contemplando, ea prudentiæ & humanitatis fundamenta jecit; ea generoſæ indolis ornamenta domum reduxit; ut Civem ſeſe egregium, Patriæ amantem, communis libertatis vindicem in Senatu etiam Britannico cum magna ſua laude præſtiterit. Hunc igitur virum tantis & animi, & fortunæ bonis inſtructum; fide præſtantem; literis politioribus ornatum; in Academia augenda, Artiumque ſtudiis promovendis meritò ſibi *Woodwardus* Conſiliarium eſſe voluit.

Eodem etiam nomine celebrandus, vir itidem ingenuus, ingenuiſque artibus præditus, *Richardus Graham*; qui hujus olim Academiæ alumnus, nihil ſibi unquam antiquius, nihil

magis in votis habuit, quàm quò in Almam Matrem filium ſeſe pium gratumque oſtenderet; itaque non in mortui ſolum voluntate exequenda fidum eum ac diligentem, ſed viventi etiam *Woodwardo* auctorem hortatoremque aſſiduum cognovi, ut eam omnino voluntatem ſuſciperet; utque eximiam illam rerum ſuarum collectionem in hac potiſſimum Academia, tanquam in loco maximè conſpicuo dignoque, collocaret.

Poſtremò non minori tamen cum laude nominandus *Richardus King*; qui miles licèt, & in armis enutritus, in quibus Tribunatûs honorem peradoleſcens meruerat, ita tamen Muſis, ſtudiiſque humanioribus deditus eſt, ut miſeram luminum orbitatem, quam in expeditione olim pro patria ſuſcepta paſſus erat, his jam unicè ſuſtentet. In hoc autem munere inſtituendo, hæc ei propria quædam, & præcipua laus debetur, quòd cum ſuo ipſius damno virum ſeſe bonum atque Academiæ noſtræ amantem oſtenderit; quòd officium lucro, pietatem quæſtui antepoſuerit: cùm enim a *Woodwardo*, cui omnium amicitia conjunctiſſimus vixerat, bonorum, ſiquid reſidui eſſet fructuumque intermediorum hæres is ſolus inſtitueretur; at quanto magis ex rei conficiendæ mora fructus ſibi accreſcerent, tanto ille diligentiùs rem ipſam conficiendam, & ad exitum perducendam curavit: &, quaſi cavendum ſibi ſtatuiſſet, ne quidquam omnino præter amici-

tiæ

tiæ cariſſimæ memoriam ex Hæreditate iſta ad ſe perveniret, ſepulchrum Amico mortuo marmoreum ſplendidumque proprio conſilio propriiſque ſumptibus exſtrui, ac in Templo Weſtmonaſterienſi collocari juſſit.

Hoc igitur *Wooodwardi* noſtri prudentiæ & judicii perpetuum certè ſpecimen extabit; quod tales ſibi viros ad conſilia ſua exequenda delegerit, quos vel mortuo fidem perſoluturos cognovit; hoc perpetuum pariter illorum virtutis, & integritatis teſtimonium; quod tam religioſè opinioni ejus reſponderint, fidem abſolverint. Illi igitur poſt *Woodwardum*, ad ſempiternam rei memoriam in Annalibus noſtris inſcribantur, Academiæ hujus Fautores, Amici, Patroni.

Me verò quod attinet, Academici, ipſe nonnullis Fortunæ procellis jactatus, in hoc Academiæ otio, tanquam in portu, tutum ſemper atque honeſtum ſimul perfugium inveni: Vos enim, cum certorum hominum invidia indignè olim vexarer, novum in hac Academia Protobibliothecarii munus eodem decreto inſtituiſtis, & ad me detuliſtis: publico illo judicii veſtri teſtimonio ſignificantes, & quid de me judicaretis & quid aliis etiam judicandum præſcriberetis. Jam verò veſtra auctoritas quàm latè pateat videtis: quippe digniſſimi illi *Woodwardi* Hæredes, veſtro exemplo commoti, veſtrumque factum imitati, novum hocce Phy-

ficæ explicandæ munus haud citius ex *Woodwardi* teſtamento conſtituendum, quàm ad me ultrò deferendum curârunt.

Utinam modò Munus ipſum vel perſonæ ſtudiiſque meis accommodatius, vel ipſe tali ingenio eſſem ut ad quælibet facilè ſtudia meipſum accommodare & convertere poſſem: quicquid autem in me ingenii fuerit, illud omne in hac, quam nactus ſum, provincia ornanda & tuenda me collocaturum polliceor: quam quidem ſi aut viribus majorem aut vitæ rationi moleſtam demum reperiam, deponere ſtatim atque alteri tradere ſtatui: in hoc interea uno felix, mihique gratulans, quòd hac occaſione oblata, tum celeberrimo *Woodwardo*, tum clariſſimis viris Hæredibus ejus, pro ſummis eorum erga nos meritis, proque ea, quæ mihi præcipuè cum ſingulis interceſſit, amicitia; tum Almæ denique Matri, cujus amplitudinem, ſplendorem, dignitatem omnibus meis commodis antepono, hoc animi pii gratique officium, hoc, quantulumcunque eſt, laudis verè meritæ præconium, mihi publicè præſtare ac perſolvere contigit.

DE

DE

LATINARUM LITERARUM

PRONUNCIATIONE

DISSERTATIO.

De Latinarum Literarum Pronunciatione Dissertatio.

CONsideranti mihi sæpenumero diversam illam, quæ apud diversas gentes obtinet, latinæ linguæ pronuntiandæ rationem, opus ille, non tam sibi jucundum, quam studiosis utile susceperus videretur, qui verum priscumque latinarum vocum sonum exquirere & revocare conabitur.

Quis enim non videt propter hanc, quæ in hisce præsertim Regionibus invaluerit, pronuntiandi varietatem & licentiam, viros doctos latine inter se colloquentes vix sese mutuò intelligere, nec sine labore quodam & molestia, verborum quam maximè familiarium sensus percipere posse.

Ipsè quidem cum apud exteras gentes versarer, parum certè seu nihil potius commodi ex sermonis latini usu hauriendum animadverti; & ni linguarum etiam hodierno usu florentium subsidium mihi aliquod comparâssem, caruissem maximo illo quidem & jucundissimo itinerum meorum fructu, quem ex hominum literatorum colloquiis & consuetudine familiari percepi.

Sensi enim viros, alioqui eruditos politosque, ob hoc ipsum latinæ locutionis incommodum peregrinantium sæpe congressus fugere; ni

Gallicâ eos Italicâve linguâ uti poſſe intelligerent: cum enim linguam quiſque latinam eodem plane modo ac patrium ſermonem enuntiat, ſequitur ſanè, ut ne latine quidem loquentis verba ſenſuſque intelligere queamus, ni linguam ſimul ejuſdem vernaculam & gentilitiam teneamus.

Eraſmus ſe adfuiſſe olim commemorat cum die quodam ſolenni complures Principum Legati ad Maximilianum Imperatorem ſalutandi cauſa adveniſſent, ſinguloſque, Gallum, Germanum, Danum, Scotum, *&c.* orationem latinam ita barbarè ac vaſte pronuntiaſſe, ut Italis quibuſdam, nil niſi riſum moverent, qui eos non latinè, ſed ſua quemque lingua, locutos juraſſent.

Sin autem verus unquam nativuſque literarum priſcarum ſonus revocari ac reſtitui, certaque aliqua pronuntiandi regula conſtitui omnibus poſſet; non hiſce modo malis remedium nobis paratum eſſet linguaſque alias perdiſcendi labor viris doctis minueretur, ſed lingua ipſa latina ad cæteras etiam omnes rectè & grammaticè pronuntiandas tanquam exemplar & norma quædam proponeretur.

Sed contra omnino, & præpoſterè ſanè hac in re fieri videmus, tantum enim abeſt ut ad linguæ latinæ normam regulamque, cæteræ, quæ nunc in uſu ſunt, reducantur omnes & corrigantur, ut cæterarum potius omnium vitia,

tia, ſonoſque barbaros in eam jam transferri cernamus.

Ex omnibus autem, apud quos latini ſermonis uſus adhuc aliquis reſtat, prima emendatæ locutionis laus Italis certè debetur: Itali vero proximam Anglis deferunt: rectè ſecuſne alii judicent; quoniam ipſe pro patriæ caritate judex fortaſſe minùs æquus exiſtimarer: de Italis ratio certe ipſa evincit, homines illos, quorum in ſermone non vocum latinarum veſtigia ſolum, ſed voces ipſæ, & vera quaſi latinitas eluceant, unà cum vocibus a majoribus acceptis ſonos etiam antiquos quam maxime retinuiſſe: idque cunctorum certè experientia confirmabit, oſtendetque illud omne quod Italicæ pronuntiationis proprium, atque a reliquis linguis diverſum videtur, non niſi a Romanorum veterum uſu ac ſermone eſſe derivatum; uti pluribus infra exemplis perſpicuum fiet.

Elaborarunt olim hac in cauſa viri ſane magni Eraſmus, Lipſius, atque e noſtris Chekus, Smithuſque; quorum hi ad Græcæ potiſſimum linguæ, illi ad latinæ ſeſe pronunciationem non ſine magna doctrinæ ingeniique laude applicaverunt: omnium autem maxime Eraſmus; qui proprio marte, nulloque præeunte, rem obſcuram ac reconditam princeps explicare aggreſſus eſt, atque in hac diſputatione, ut in aliis omnibus, ſæculi ſui tenebras barbariemque debellare, priſcamque literarum & artium

artium elegantiam revocare conatus eſt : Lipſius autem vix aliud mea quidem ſententia feciſſe videtur, ac Eraſmi libellum, abſque ulla ejus mentione, compilâſſe. Ab illis vero ſcriptoribus etſi plurima ingenioſe atque erudite diſputata ſint, nonnulla tamen deeſſe, multa dubiè, quædam etiam falſo poſita animadverti ; idque hac in cauſa accidiſſe, quod in cæteris pleriſque ſolet, ut mortalium nemini detur rem inveniſſe ſimul & perfeciſſe.

Quippe multa jam nobis ſuppetunt argumenti hujus explicandi ſubſidia, quibus illi carebant ; eruta ſcilicet poſt illa tempora antiquitatis omnis monumenta ; & magnæ illæ inſcriptionum veterum moles, quæ collectæ ſimul, libriſque pervulgatæ in publicum jam omnibus proponuntur : e quibus melius longe, opinor, quam ex ipſis grammaticis, priſca latinarum vocum pronunciatio erui ac elici poteſt : literarum enim inter ſe permutationes, quas in inſcriptionibus perſæpe videmus, promiſcuuſque nonnullarum uſus, maxime vero ſculptorum in Orthographiæ leges peccantium errores germanam earum vim ſonumque indicare plane videntur.

Romanis enim idem certe contigiſſe cognovimus, quod nobis fere quotidie contingit ; Marmorarios ſcilicet iſtos, quibus lapidum inſcribendorum cura commiſſa fuerit, Orthographiæ regulas ignorantes, errores idcirco fœdos in verbis ſæpe deſcribendis admiſiſſe, quos etſi verba

verba minus recte, at verum verborum ſonum, alienis licet literis, ſecutos eſſe ac dediſſe conſtat: exempli gratia; ſiquis ſonum literæ X, a Græcis acceptæ, inveſtigare voluerit, in inſcriptionibus eam antiquis nonnunquam per c & s expreſſam & permutatam videbit, ut in vicſit; lucſerunt. [.] quibus in verbis etſi litera ipſa non appareat, vis tamen ejus plene expreſſa reperietur: atque eodem modo in cæteris ex literarum, quarum vis cognita eſt, permutatione illarum, de quibus dubitamus, nativum ſonum elicere valebimus.

Itaque dum Grammatici veteres literarum ſingularum ſonos, quod certe difficile eſt, verbis deſcribere atque exprimere laborant; marmora intereà vetera ſonum ipſum fictum quaſi ac formatum ante oculos ponunt. Hac igitur via inſiſtendum, atque inſcriptionum veterum ope literarum ſonos exquirendos mihi atque indicandos propoſui. In ſingulis vero deſcribendis, eas omnes prætermittere viſum eſt, quæ nihil in ſe ſingulare vel notatu dignum contineant, & in eis ſolum illuſtrandis conſiſtere, quæ in ſonos alienos delapſæ, atque a veterum uſu detortæ videntur.

Primùm igitur de vocalium pronunciatione, ex qua ſyllabarum vis omnis, ſonuſque pendent, quid ſtatuendum ſit videamus.

Ore contracto, magis quam par eſt, efferimus, A.

mus, quam tamen *rictu patulo* proferendam Grammatici veteres docent: [*a*] idque de Græcorum etiam A confirmat *Dionyſius Halicarnaſſeus* [*b*] *qui ex vocalibus longis eam ſonantiſſimam eſſe ſcribit, proferrique ore quam maxime dilatato, ſpirituque cœlum verſus ſublato.* Atque hoc modo Itali eam Gallique hodie efferunt; Romanoſque etiam idem olim feciſſe conſtat; nam in marmoribus antiquis ad A interdum V vocalem contra Orthographiæ leges adjunctam, ut AVROMATARIVS. [Grut. 636. 7] ARCHILAVOS. [ib. 582. 6.] & pro A longâ duplicem perſæpe poſitam videmus, ut PAASTORES [150. 7] FAATO [1046. 6] *&c.* quæ omnia non niſi ſoni dilatationem quandam ſignificare videntur. FAATO NAATAM. Fabrett. 421.

E. Vocalis ſonum diſtincte & accurate explicare difficilius videtur: Italos ego, uti noſtros etiam, recte eam proferre cenſeo in vocibus, aſcendo, ventus *&c.* Gallos vero peſſime, qui iiſdem in locis eam ad ſonum A dilatare ſolent.

I. Sonum habuit medium quendam & communem cum ſuperiori E. Hoc Grammatici tradunt; confirmatque Quinctilianus, [*e*] qui T. Livium Sibe & Quaſe pro Sibi & Quaſi uti ſolere dicit. Neque ullarum toties in inſcriptionibus

[*a*] Marius Victorinus de enuntiatione iterarum.
[*b*] [*c*] Gruter. 636. 7. 582. 6.
[*d*] Ib. 150. 7. 1046. 6. [*e*] l. 1. c. 7.

anti-

antiquis, quoties harum inter ſe vocalium permutatio reperitur, ut TETVLVS SACREFICIVM BENIVOLENTIA CAMINA [*a*] atque hinc mihi veriſimile videtur Romanos veteres eundem huic vocali ſonum attribuiſſe atque Itali hodie, nec alium ac nos per duplicem E exprimimus in Street, See. *&c.* quod ex hiſce præſertim vocibus apparet. DIANA. SPOLIA. EXEAT. CAVEAS. quas ita ſæpe ſcriptas reperio. DEANA. SPOLEA. EXSIAT. CAVIAS. [*b*] in quibus eum fere ſonum quem dixi expreſſum videmus.

Latini veteres I longam per EI Græcorum diphthongum ſcribebant : quem ſcribendi morem a Grammaticis memoratum plurimæ nobis adhuc inſcriptiones conſervant, ut CEIVIS. EITVR. IPSEIVS. QVEI. [*c*] neque aliter Græci in Romanis nominibus, ut ΑΝΤωΝΕΙΝΟC. ΦΑΥCΤΕΙΝΑ. [*d*] Utrumque enim idem planè ſonuiſſe ex epiſtola quadam Ciceronis ad Pætum [*e*] colligere poſſumus ; in qua de verbis, quæ obſcœna habebantur, ludens, cum loquimur, inquit, terni, nihil flagitii dicimus, at cum bini, obſcœnum eſt ; alludens ſcilicet ad Græcam vocem βινεῖ, ut Græci vero I longam per ΕΙ. ita latini ΕΙ Græcorum quandoque

[*a*] Vid. Gruter. 1061. 6. 328. 1. 443. 6. 47. 10.
[*b*] Vid. ib. 39. 4, 7. Cenotaph. Piſan. 755. 1. 629. l. ult. [*c*] Gruter. 206. 1. 171. 8. 541. 7.
[*d*] Inſcript. Florent. 375. [*e*] Epiſt. l. 9. 22.

per

per E productam, quandoque per I ſcribebant, ut Νεῖλος Nilus. Επικουρεῖος Epicureus, qua in voce I tamen pro E poſita interdum legitur Epicurius. [a] quod ſonum utriſque perſimilem fuiſſe demonſtrat. ARIA. Fab. 153.

Lipſius dicit ſolos Europæorum Britannos hanc vocalem recte proferre, [b] at omnium potius meo judicio peſſimè, atque a veterum more remotiſſime, uti ex pronunciatione vocum noſtrarum Mind. Bind. &c. cum ſuperioribus collata apparebit.

Nec minus quidem barbarè noſtri literam I, cum conſonantis loco ponitur, efferunt; qui pro ea ſemper G pronunciant, ut mageſtas. gecit. quam pronunciandi rationem Romanis penitus ignotam fuiſſe exiſtimo, qui eam ita in Majorca, Iuno, Iecit efferebant, uti nos Y conſonantem in York, You, Yes. I, inquit *Priſcianus* [c] *modo pro ſimplici, modo pro duplici accipitur conſonante; pro ſimplici, quando in principio dictionis ab ea incipit ſyllaba ſubſequente vocali ut Iuno: pro duplici, quando in medio dictionis ab ea incipit ſyllaba poſt vocalem, ut Majus, Pejus, ubi antiqui ſolebant geminare I & ſcribere Maiius Peiius: quod non aliter pronunciari poſſet, quam ſi cum priori ſyllaba prior I, cum poſteriori*

[a] Aldi Orthograph. p. 20.
[b] De rec. pronunciat. lin. lat. c. 8.
[c] L. 1. c. de literar. numero.

altera

altera proferetur Pei-ius. atque ita Pompei-ius; cujus genitivus per tria I ſcribebatur. Quæ Priſciani verba ſonum illum mollem dulcemque I conſonantis, quem modo indicavi, deſignare planè videtur, nempe eundem prorſus quo Itali hodie eaſdem voces efferunt.

V. Eundem olim ſonum habuiſſe apud veteres Romanos atque hodie apud Italos, Græcæ ſcilicet diphthongi *ου*, certiſſimum eſt. Quippe ita eam in marmoribus antiquis perſæpe ſcriptam & expreſſam videmus, ut LOVGET. IOVSIT. INDOVCEBAMVS. OB INIOVRIAS IOVDICATI. [*a*] idque Grammatici etiam omnes confirmant [*b*]. nec Græci eam aliter in Romanis nominibus, ac per *ου* ſcribunt, ut ΙΟΥΛΙΟC. ΛΟΥΚΙΟC. &c. [*c*] atque hinc apud Suidam Κυριωσσ@ Curioſus.

At de V conſonantis ſono haud inter doctos conſtare video: Eraſmus Lipſiuſque [*d*] eam per noſtram W proferendam cenſent, ut Winum, Wultus. idque variis argumentis probare conantur; nec aliam omnino vim Æolico Digamma attribuunt, cui hanc literam ſucceſſiſſe Grammatici tradunt. At Priſcianus contra [*e*] *Æolicum Digamma eandem vim ac Græ-*

[*a*] Grut. 1055. 1. 171. 8. 499. 12. 204.
[*b*] Mar. Victorin. l. 1. Priſcian. l. 1. de num. lit.
[*c*] Inſcrip. Florent. p. 51. 22.
[*d*] Eraſm. de recte pronuntiat. p. 168. Lipſ. c. 12.
[*e*] Ib. vid. etiam Mar. Victorin. l. 1. de Orthograph.

corum

corum Φ, *ſeu Latinarum PH, vel F habuiſſe* confirmat; *poſtea vero placuiſſe Latinis ejus loco V conſonantem adhibere, qui cognatione ſoni videbatur affinis eſſe.* Quibus verbis hanc conſonantem non alium apud veteres, atque apud nos hodie, ſonum obtinuiſſe oſtenditur.

Miratur autem Eraſmus literas haſce F & V conſonantem ob tantam ſoni affinitatem nuſquam inter ſe commutas reperiri: at Jo. Tertullium memoraſſe ſcribit, [*a*] ſe inſcriptionem veterem Romæ vidiſſe, in qua FIXIT. pro VIXIT. bis poſitam legiſſet. Atque in multis aliis inter Romana nomina animadverti. FICTORIA. FICTORIANVS, FICARIVS. FARVS. [*b*] quæ ab eodem fonte profluxiſſe videntur.

At hanc literam cum B plerumque permutatam cernimus. Ut BIXIT. VIBVS, OCTABIANVS. OVVIOLARIT. [*c*] Iſta vero cum litera B affinitus a ſono noſtræ W. quam maximè aliena videtur. Neque illud omnino veriſimile eſt, ejuſmodi ſonum Romanis unquam familiarem fuiſſe, cujus nullum prorſus apud Italos, ſed apud gentes ſolummodo remotas & barbaras, veſtigium remanſerit. CVVICVLO. IVVEO. Fabrett. Inſcrip. Ant. p. 102. VNIBERSIS. ib.

[*a*] Jo. Tortel. Orthograph. de litera. F. fol. 4. ib. 172.

[*b*] Grut. 643. 6. 886. 15. 911. 17. 757. 9.

[*c*] Grut. 334. 2. 757. 1. Inſcr. Flor. p. 172. 145.

VIC-

VICTORIAE CONIVGI. 630. FICTORIA. 240. BICTORIA. 274.

Hæc vero, quæ de vocalium pronuntiatione diſputata ſunt, de ſono earum generali ac communi dicta intelligantur: quippe apud veteres, uti apud nos hodie, eaſdem vocales, non eandem ſemper vim in cunctis æquê locis obtinuiſſe liquet; neque in ſyllabis breviter celeriterque enuntiandis ſonus cujuſque proprius diſtincte & accurate proferri ac exprimi poterat: atque hinc fit, ut in inſcriptionibus antiquis omnium fere vocalium, utcunque inter ſe diſſimilium, permutationes uſumque promiſcuum in ejuſmodi locis inveniamus. Ut. MONO. MONI. MONVMENTVM. HERCO. HERCVLES. PIGNE PIGNORA. OPTV. OPTIMVS. [*a*]

Diphthongos quod attinet, nomen ipſum naturam earum indicat: videlicet, cum binæ vocales in eadem ſyllabâ coeuntes ſono quodam duplici, ſed mixto & in unum quaſi conflato, proferuntur; ita tamen ut utriuſque etiam vim percipere queamus. Ejuſmodi vero ſonus cum non niſi difficulter, nec ſine oris labore quodam accurate exprimi poterat; uſus hominum communis, in mollitiem ſemper deliciaſque delabens, illum ita paulatim emollivit, ut diphthongos demum ad vocalium ſimplicium gradum revo-

[*a*] Grut. 946. 6: 608. 2: 6. 2: 1052. 10: 329.

Æ. caverit. Atque hinc in diphthongo Æ. omiſſa altera vocali A. & pro nihilo habitâ, in altera E Romanos olim conſtitiſſe, eamque unice expreſſiſſe reperio; quod marmora antiqua demonſtrant, in quibus diphthongus hæcce cum E vocali promiſcuè ubique uſurpata & commutata, tum in longis, tum brevibus etiam Syllabis occurit, ut ÆIVS. ÆXTÆRVM. VENÆRI. EDIFICIVM. EGYPTVS. PRETORIVM. [*b*] Undè ſonum utriuſque ſimilem ſeu eundem potius fuiſſe perſpicuum eſt. Sculptores enim, ut ſupra dixi, orthographiæ ignaros, non niſi aurium judicium, ſonique rationem in verbis deſcribendis ſecutos eſſe neceſſe eſt.

CONIVGIS SVE. [Camera ed Iſcrizioni ſepolchral. Inſ. 182.]

FILIAE QVE VIXIT. Inſcrip. Florent. p. 178.

Œ. Hæc diphthongus per OI antiquitùs ſcribebatur, & utrovis modo cum V vocali confundebatur: ut COIRAVIT. COERAVIT. CVRAVIT. OIT. OET. VTILE. [*c*] Hujus autem affinitatis ratio explicatu mihi difficilis videtur: eumque ſcribendi morem apud priſcos ſolummodo Romanos obtinuiſſe, ac obſoleviſſe poſtea conſtat. Hanc enim diphthongum eodem modo ac ſuperiorem tractari, atque ad ſonum ſimplicem

[*b*] Grut. 542. 2: 756. 2: Lipſ. de pronunt. Gr. 1053. 2: 376. 3: 28. 5:

[*c*] Ib. 59. 8: 100. 8: 499. 12.

vocalis

vocalis E redigi tandem reperio. Pro qua in inſcriptionibus perſæpè poſita occurrit. Ut EPHOEBVS. FOELIX. PROSCOENIVM [*d*] quibus in verbis propter E longam, ſonumque adeo ejus minime dubium, ſculptor in iis licet ſcribendis peccare, in ſonandis tamen nullo modo poterat.

Præterea diphthongos haſce Æ & OE. alteram pro altera nonnunquam poſitas cernimus, ut in familiarum nominibus. CAE. & COELIA. CAE. & COERANVS, CAE. & COESONIVS [*e*] ex quibus patet, apud Romanos olim, uti apud nos hodie, haud alium utramque ſonum ac vocalem E habuiſſe.

De reliquis diphthongis parum mihi lucis ex inſcriptionibus antiquis ſuppeditatur: eas autem ab Italis recte pronuntiari cenſeo, qui ita efferunt, ut utriuſque vocalis vis percipi clare & diſtingui poſſit.

Diphthongo ſonum illi tribuunt latiorem, craſſioremque quam noſtra lingua agnoſcit, ejus vero non abſimilem, quem in verbo noſtro *owe* exprimimus; præſertim ſi ruſticorum more, ac ſi per a ſcriptum eſſet, pronuntiaretur, nos certe hanc diphthongum mollius, quam par eſt, & ore nimis contracto efferimus. Galli vero AV.

[*d*] 689. 4 : 273. 6 : 168. 10 :
[*e*] 52. 6 : 670. 8 : 240 : 122 : 351. 3 : 372. 1 :

omnium peſſimè, qui ei ſemper ſonum vocalis O adjungunt.

EV. Haud male a nobis pronuntiari exiſtimo, in vocibus latinis Euge, neuter &c. in noſtris ſhew. lewd. &c.

Æ. Conjugi ſue Julie Longine Fabrett. 83, ſine ulla litæ. 95.

Glæba & Gleba promiſcuè ſcribitur in antiquiſſimo Cod. Virgil. mediceo quem ipſe vidi Norr, 431.

C. Ante vocales A. O. V. eundem olim ſonum habuiſſe ac hodie habet certiſſimum eſt: qualem autem ante reliquas E & I, diphthongoſque AE. OE. EV. habuerit, haud ita convenit. Angli illam, Gallique etiam, haud ab S. diſtinguunt. in Cœna. Cæſar. Ceres, Cinis &c. at in iiſdem Itali, quod Romanos etiam feciſſe olim exiſtimo, eum huic literæ ſonum tribuunt, quo nos *ch* efferimus, in vocibus noſtris Cheek; Cherry, Cheap &c. itaque pronuntiant Cicero, uti nos Chicheſter; Chicheley, &c. ita tamen ac ſi ante C, cum in medio vocis ſequatur vocalem, litera T. leviter admodum & ſubobſcurè ſonanda interponeretur. Ut Citcero, Chitcheſter. quam pronuntiandi rationem expreſſiſſe planè ſculptor quidam videtur, qui in inſcriptione veteri contra orthographiæ regulas T ante C interpoſuit in nomine Vrbitcius. [*f*]

[*f*] Grut. 1059. 3.

Hanc

Hanc autem Italorum consuetudinem Lipsius prorsus deridet, literamque C eandem prorsus vim ac K ante omnes pariter vocales obtinuisse contendit. [*g*] At virum doctum, Germanorum suorum sonis nimis faventem, hoc in loco, uti alias sæpè errasse constat. Nam etsi K ante vocales A. O. V. pro C. persæpe scripta reperiatur. Ut. Karcer. Kos. Kujus. &c. [*h*] ante reliquas tamen nusquam ita positam animadverti; ex quo utrumque illud probari videtur, tum literas hasce eandem plane vim nonnullis in locis, tum diversam quandam in aliis habuisse; atque hinc in Carcer. primam C cum K commutatam videmus, at secundam non item. In inscriptionibus vero antiquis litera hæcce ante I in medio vocis sequente altera vocali, nunquam, ut dixi, cum K, sæpissime tamen cum T commutata cernitur. Ut Domicius. Palacium. Fabritius. Fetialis. Condicio. [*i*] cujus quidem permutationis in literis tam inter se potestate dissimilibus nulla certe ratio reddi posset; ni utræque iis in locis positæ sonum quendam tum inter se consimilem, tum diversum ab eo quem alibi obtinerent, habuissent. Nunquam enim aut earum permutatio aut soni affinitas aliqua cernitur, nisi ante I sequente altera vocali. Quo in loco quum T. sonuisse ut *Ts* infra ostendetur, sequitur plane C sonum ei per-

[*g*] Lipsi. de Pronunt. lin. lat. c. 13.

[*h*] Grut. 80. 5. 607. 1.

[*i*] Ib. 689. 9: 232. 1. 10: 101. 5: 457. 2: Ald. Orthog. p. 295.

ſimilem habuiſſe, nec alium quidem ac quem ſupra indicavi, quemque Itali hodie illi iiſdem in locis aſſignant. Conſtanciæ. Fabret. 102. dicionem. 169. condicio. 373. ſolacium. 421. negociantur. cenot. Piſ. p. 301. Numicius. iſius. 151. 11. v. 55.

G. Hanc literam omnes eodem modo efferunt ante A.O.V. ante ceteras vocales diphthongoſve molius ea quiddam apud Romanos olim, uti apud nos hodie, ſonuiſſe videtur; contra omnino ac Lipſius diſputat; qui hanc omnibus conſonantibus regulam generalem conſtituit, videlicet eas eundem ſemper atque unicum ſolummodo cunctis æquè in locis ſonum obtinere; contenditque adeo G aliam nuſquam habere vim ac quam in voce lego. [*k*]

At in marmoribus vetuſtiſſimis, cum jam litera hæcce nondum inventa ac inter latinas recepta eſſet, C pro ea uſurpatam videmus; ut in Duilliana illa LECIONES. CARTACINIENSIS. &c. [*l*] Et in multis etiam aliis ante vocales E & I. eam pro G poſitam animadverti. Ut MACESTERIVM. PRIMICENIVS. [*m*] quibus in locis cum literam C molliorem quendam ſonum, ut apud Italos, quem nos per ch exprimimus, obtinuiſſe probavi, ſequitur plane G etiam ſonum itidem mollem & conſimilem habuiſſe;

[*k*] Ib. c. 14. [*l*] Grut. 404. 1. [*m*] 1065. 9: 107. 4.

eundem,

eundem, opinor, quem Itali jam, noſtrique etiam in verbis legio, magiſtratus illi attribuunt.

Cum literam G in medio dictionis ſequatur N. ut magnus. Itali alteram ei N in pronuntiando præponunt, atque I vocalem utriſque ſubjiciunt; deinde ipſi G ſubobſcurum admodum ſonum tribuentes, ita vocem ipſum efferunt ac ſi ſcriberetur Mang-nius vel Mannius. Quod Romanis etiam antiquis in uſu fuiſſe perſpicuum eſt: nam in vetuſtis quibuſdam inſcriptionibus, quo ſonus iſte melius exprimeretur, I poſt GN. interpoſitam nonnunquam animadverti, ut MAGNIO [*n*] ABIEGNIEAS. [*o*] GN.

Id vero a Græcorum conſuetudine profluxiſſe liquet, quos literæ Γ ſequente altera Γ vel **X**, Κ, Ξ. ſonum literæ N tribuiſſe cognovimus; ut ΑΓΓΕΛΟC. ΕΓΧΕΙΡΙΔΙΟΝ. ΑΝΑΓΚΗ. CΦΙΓΞ. Angelus. Enchiridium. Sphinx. atque hinc in inſcriptionibus Græcis ejuſmodi verba cum N interdum interpoſita ſcribi videmus. ut. ΑΝΑΝΚΗ. ΕΠΑΝΓΕΛΑΑΜΕΝΟC. [*p*] quam conſuetudinem latinos etiam ſecutos eſſe Victorinus oſtendit; [*q*] qui pro Agger Anger; Suggeſtuſn, Sungeſtum; Ancilia, Agcilia ſcribi oportere cenſet. Atque hanc denique pronuntiandi dulcedinem ſignificare mihi

[*n*] Inſcript. Florent. bis. [*o*] Gr. 207. [*p*] Inſcription. Florent. p. 22, l. 16. [*q*] Mar. Victorin. l. 1. de Orthograp.

Cicero videtur. Erant, inquit, [r] noti, navi, nari; quibus cum IN præponi oporteret, dulcius viſum eſt ignoti, ignavi, ignari dicere.

MAGNIO. MAGNIVS. MAGNIA &c. Fabrett. Inſcr. an. p. 14. 249. 254. 292.

H. Non tam literam quam aſpirationis notam ſeu ſignum literæ validius intentiuſque proferendæ a grammaticis exiſtimari video. Scribit Cicero, [r] veteres Romanos ea nuſquam niſi in vocali uſos itaque locutos eſſe, ut pulcros; cetegos; triumfos; Kartaginem dicerent. Quam conſuetudinem cum ipſe aliquandiu ſecutus eſſet, propter aurium tamen voluptatem ſe repudiaſſe tandem ac populo reliquiſſe dicit; fatetur autem nonnullis in vocibus vel aurium ipſarum judicio ſervari eam debere, ut in orcivios. otones. ſepulcra. lacrymas. Populum vero in hiſce aurium deliciis, ſonorumque differentiis dijudicandis haud ita delicatum atque elegantem fuiſſe conſtat: ſed cum uſus hominum, ut dixi, ad partem molliorem ſemper facilioremque delabitur, aſpiratio hæcce ob moleſtum quandam vocis intentionem negligi paulatim et tam in vocalibus quam conſonantibus nihili tandem haberi, cœpta eſt. Quippe in inſcriptionibus antiquis eam ſæpiſſimè tum in verborum initiis prætermiſſam, tum e mediis ſyllabis ejectam reperio. Ut Omo. Oneſtus. Eres. Tratia. Eleu-

[r] Orator. p. 265.

terus.

terus. Eutycus. Aduc. Agatopus. Cyato. Trepto. &c. [*s*] Sepulchr. de ſer. 40. 46. At aliis contra in locis adjectam eam ſupervacaneè & contra orthographia leges interpoſitam ſæpe videmus, ubi nullam omnino vim habuerit neceſſe eſt. Ut. Heridanus. Hillyricum. Horiundus. Hornamentis. Amynthas. Ponthes, Protheſilaus, &c. [*t*] ex quibus omnibus Eraſmi ſententia minùs mihi firma videtur, qui TH eo ſemper ſono efferri oportere diſputat quo nos in voce noſtra *Theif* utimur; [*u*] apparetque potius, aſpirationem hancce parvam admodum ſeu nullam prorſus ſoni intentionem in uſu Romanorum communi vel vocalibus vel conſonantibus adjeciſſe quæ loquendi conſuetudo a Romanis ad Italos derivata omnem jam tandem aſpirationem e lingua prorſus Italica exterminavit. Anthiocus. Fabrett. p. 40. The-Teontas. 30. chorona. 123. Thyranno. 166. Tæodora. 341.

Literam prorſus ſupervacaneam eſſe grammatici omnes fatentur, quippe nullam omnino vim ſibi propriam aut a litera C diverſam obtinet: nonnulli tradunt eam ante vocalem A propriè ac unice adhiberi ſolere ut. Kalendæ Karthago: at ejuſmodi diſtinctio parum mihi certa aut ſtabilis videtur, neque ullum ei locum, K.

[*s*] 588. 9. 427. 1: 521. 7: 402. 4: Inſcript. Flor. p. 26. it. 29. it. 406. it. 431. Grut. 1056. 1. 302. 2.

[*t*] Grut. 52. 12: 396. 1: 529. 7: 451. 6: 914. 6: 150. 7: [*u*] de pronuntiat. lin. lat. &c. p. 157.

ſonumve

ſonumve peculiarem a veteribus aſſignatum reperio : in inſcriptionibus antiquis pro C, ut ſupra oſtendi, perſæpe poſita occurrit. *ut Karus.* 333. 9. *Kaput.* 214. *Kos.* 607. 1. *Kujus. &c.*

PH. Eundem olim ſonum habuiſſe ac F. inſcriptiones veteres confirmant, in quibus alterum pro altero promiſcue adhiberi cernimus. ut AMFION. TRIVMFVS. PHIDELIS. [*x*]

Q. In literarum ſupervacanearum numero a grammaticis habetur. K & Q. inquit Priſcianus, [*y*] *quamvis figura & nomine videantur aliquam habere differentiam, cum C tamen eandem tum in ſono vocum quam in metro continent poteſtatem.* Exiſtimabatur olim vim literarum C & V conjunctam poſſidere, ideoque nonnulli QIS QAE. QID. pro QVIS. QVAE ſcripſerunt. [*z*] At eam cum V vulgò ſcribi videmus, nec aliter omnino ſonare ac C. cum qua eam perſæpe commutatam ac promiſcue uſurpatam reperimus. ut. ACVA. CVO. AQVITVR. MEQVM. PEQVNIA. [*a*] CVOTTIDIE. Fabrett. 272.

T. Ante I ſequente etiam altera vocali. uti in IVSTITIA pronuntiatur ab Italis, tanquam TS, vel TZ. quod Romanos etiam veteres factitaſſe Papirius quidam grammaticus tradit. [*b*] At

[*x*] Grut. 125. col. 5 : 285. 6 : 943. [*y*] l. 1. de num. literar. [*z*] Vel. Longius de Orthograph. [*a*] Grut. 593. 5 : 786. 5 : 138. 817. 12. 102. l. 7. [*b*] Vid. Aldi Orthogr. p. 563.

hunc

hunc pronuntiandi morem Papiriumque item ipſum vehementer irridet Lipſius, [*c*] neque alium prorſus literæ T. hoc in loco ac in ceteris omnibus ſonum tribui debere contendit. Quicquid vero ille diſputet, vel hoc uno marmore refutari exiſtimo, in quo CRESCENTSIANVS. cum S poſt T ad ſonum ejus plenius exprimendum interpoſitâ ſcribitur. [*d*] Illam autem T, quia leviter tantum & ſubobſcure, ut apud Italos hodie, pronuntianda eſſet, prætermiſſam alio in loco & per S ſolummodo repræſentatam a ſculptore cernimus. Ut VOLCASIVS. [*e*] Bonifatiæ. 299. Fabrett. amatius. amaſius. 603. comitius. icius. 617. Fabritio. Robertell. emend. p. 46.

Loco CS, vel GS a Græcis inventam atque a Latinis aſſumptum eſſe Priſcianus docet: [*f*] *qua carere potuimus*, inquit *Quinctilianus*, [*g*] *ni quæſiſſemus.* X.

Græcæ prorſus literæ ſunt; nec a Latinis uſquam, uti grammatici tradunt, niſi in Græcis quibuſdam nominibus uſurpatæ. ut HYLAS. ZEPHYRVS. &c. [*h*] Y & Z.

Omnes, qui de hac quæſtione ſcripſerunt, literam Y (quæ a Græcis Upſilon dicitur) ſonum

[*c*] de pronunt. lin. lat. c. 14. [*d*] Grut. 127. l. 1.
[*e*] Inſcr. Flor. p. 400. [*f*] l. 1. de num. lit.
[*g*] l. 1. c. 4. [*h*] Max. Victorin. de lit.

vocalis

vocalis V, Gallico more pronuntiatæ habuiſſe contendunt; eundem ſcilicet, quem eidem nos vocali tribuimus in vocibus Duke, Flute, Lute. Centyria. Fabrett. 175. Tyſcia ib. Vyrginem. 53. Olumpus. 175.

Chekuſque noſter præſertim *lumen ſonorum extinctum dicit, cum Y, uti* ſemper apud nos, *ad ſonum I traducatur.* [*i*] Attamen ea nonnunquam cum I commutata in marmoribus antiquis invenitur, ut NIMPHIS. BYBLIOTHECA. [*k*] At multo ſæpius, cum V, Ut ILLVRICVM. SVRIA. CENTYRIA. SATYRNVS. [*l*] Quod Eraſmi ſententiam confirmare videtur, qui hanc literam medium quiddam inter I & V Gallicam ſonuiſſe exiſtimat.

Z. A Græcis accepta vice literarum S & D apud Latinos fungebatur: *ſi aſſumpta non eſſet*, inquit *Max. Victorinus*, [*m*] *pro Mezentius, ſcriberemus Meſdentius.* Quam ſcribendi conſuetudinem *Dores etiam inter Graecos ſecutos* eſſe conſtat; qui pro μελιζειν dabant μελισδειν. *Eos* vero ut pro Z non σδ modo, ſed δς etiam uſurpaſſe cognovimus; ita Romanos etiam idem feciſſe, idque ad Italos inde profluxiſſe veriſimile eſt, qui hanc hodie literam per *ds* ſemper efferunt.

[*i*] de lin. Gr. pronunt. p. 88. [*k*] Grut. 36. 6: 475. 4. [*l*] ib. 297: 27. 5: 45. 13: 422. 1. [*m*] c. de lit.

BIBLIO-

BIBLIOTHECÆ CANTABRIGIENSIS ORDINANDÆ METHODUS QUÆDAM; QUAM DOMINO PROCANCELLARIO SENATUIQUE ACADEMICO CONSIDERANDAM & PERFICIENDAM OFFICII ET PIETATIS ERGO PROPONIT.

CELEBERRIMO DOCTISSIMOQUE

VIRO

ANDREÆ SNAPE, S. T. P.

COLLEGII REGALIS

PRÆFECTO,

ET

HUJUSCE ACADEMIÆ

PROCANCELLARIO,

CONYERS MIDDLETON,
S. P. D.

MITTOT ibi, Vir Digniſſime, Tractatulum huncce de optima librorum collocandorum ratione; quem Tibi imprimis, Academiciſque deinde omnibus in publicum ideo proponere ſtatui, ne in torpido hocce Bibliothecæ noſtræ ſtatu, torpeſcere etiam Proto-Bibliothecarium veſtrum crederetis; quumque a legum olim Interpretibus ſancitum fuerit, quod ſcribere ſit agere, ut legitimum quoddam haberem diligentiæ meæ & induſtriæ teſtimonium: quicquid vero demum effecerim Tuo prorſus arbitrio dijudicandum relinquo;

relinquo; judicium enim, non Muneris magis, quod geris, dignitate, quam Ingenii & Doctrinæ præcellentia vere Tuum eſt, Teque, etſi Magiſtratum jam adire contigerit, Privatum tamen mihi omnium potiſſimum Conſilii Autorem deligeram, Judicem peterem.

Inter tot vero, & tanta negotia, quæ Te jam totum occupant, Bibliothecam Publicam præcipue Tibi curæ fore certo ſcio; cujus accurata quædam & recte ordinata diſpoſitio ad Academiæ noſtræ famam & ſplendorem maximi plane ponderis & momenti eſt; cujuſque fructus omnes nemo Te vel melius noverit vel uberius perceperit: Hæc nimirum, Fontium quorundam ad inſtar, qui lympham ſimul lumenque emittere dicuntur, Fons ille eſt, ex quo & Lucem & Pocula, quæ geſtat manibus, haurit Alma Mater; illa caliginem atque ignorantiæ tenebras diſpellens; hiſce plenos ſcientiæ hauſtus Juventuti Academicæ propinans: Sive Armamentarium Illa Academiæ dici potius mereatur; unde Tela Filiis ſuis, uniuſcujuſque viribus accommodata diſtribuit Alma Mater; quæque non niſi ſummo gaudio in Doctrinæ, Eccleſiæ, & Religionis hoſtes tam feliciter toties a ſuis, atque a Te præcipue haud dudum torqueri viderit.

Hanc autem Bibliothecam tam illuſtrem, tamque Principis Munificentiſſimi beneficio auctam atque inſtructam pudet plane ab omni

Uſu

Uſu literario ſemotam, atque a ſtudiis noſtris concluſam tam diu jacere; Advenis tantum ſpectaculum, noſtris deſiderium; quamque Tantali ad inſtar ſitientes intuemur, neque ſummis tamen labris guſtare valeamus: Tuum vero eſt, Vir Doctiſſime, ad Uſus illam deſtinatos, ad bonas literas, bonoſque mores promovendos educere tandem atque accommodare; Tuum eſt locorum haſce anguſtias amplificare; Ædificationem inchoatam abſolvere; libroſque, tanquam Coloniam aliquam, in novas ſedes deducere, lociſque ſuis collocare: opus quidem perdifficile, atque in impeditis hiſce Academiæ temporibus non niſi Tuis viribus & Tua conſtantia perficiendum: etenim Te, ſi recte noverim, non minaces Potentium vultus, voceſque; non malorum impendentium metus, non inſtantium terror ab inſtituto curſu deflectet; ab Academiæ tuendæ atque ornandæ conſilio deterrebit.

Ut dicam autem libere quod ſentiam, quocunque noſmet vertamus, difficultatibus undique premi, periculiſque plane obſeſſi eſſe videmur. Nonnulli dum Gradus Academicos conferendi facultatem a nobis quidem haud auferre præ ſe ferant; nobiſcum tamen partiri, atque in commune frui ſibi vendicant; Gradus, inquam, non tam nomine, quam re & natura ſua vere Academicos; in mediis ſcilicet Academiis natos, ipſarumque omnino cauſa inventos atque excogitatos; ut quibus in locis Doc-

trinæ potiſſimum ſtudia florerent, in iis Doctrina etiam ipſa cum dignitate aliqua, & inſignibus quibuſdam honeſta eſſet. Alii interea, Doctores creandi jus nobis licet integrum permittant; de Doctoratu tamen dejicere, de Senatu noſtro deturbare, ſuo niſi arbitratu & conſenſu haud patiuntur: rerumque adeo Academicarum Cognitionum & Judicium ad forum ******* av-cant: Quorum conatus ni repellere tandem ac propulſare valuerimus, lethale quoddam vulnus huic noſtræ Academiæ infligatur neceſſe eſt.

Nil autem Te Duce deſperandum eſt; nil niſi lætum, fauſtumque nobis augurari fas eſt: præclara enim Vox illa Tua, Te Academiæ cauſa carcerem; Te vincla lubenter ſubiturum; quantam excitaverit in bonis omnibus fortitudinem, quantam ſpem, quantum Tui amorem? Quippe Tu ad Rempublicam noſtram ex eo jam accedis Collegio, quod ſingularia ſua Privilegia ſingulari ſemper vigilantia conſervavit, conſtantia defendit; quodque Præfecti ſibi eligendi jus, a jactis uſque mœnium ſuorum fundamentis conceſſum ſimul & abreptum ſumma ſua fortitudine recuperavit, atque e Regiis pœne manibus extorſit; Virtutiſque ſuæ fructus, Te tandem Præſide, jam uberrimos percipit: Tu, inquam, iis moribus, ea diſciplina inſtitutus, quæ exoleta revocare, quæ vel amiſſa recuperare noverit; quidni noſtra facile jura omnia tueare; jura ſcilicet, a primis rerum noſtra-

noſtrarum initiis conceſſa ; perpetuo uſu confirmata ; legibus Angliæ munita ?

In nebuloſa itaque hacce Cœli noſtri facie, Academiæ tamen ſerio gratulandum eſt, talem ei obtigiſſe Gubernatorem, qui tempeſtates omnes noverit ſeu perite declinare, ſeu prudenter moderari, ſeu fortiter reſiſtere ; neque Tibi ipſi, Vir Reverende, gratulari etiam minus liceat, Magiſtratum Tuum in ea incidiſſe tempora, quæ tantos tibi gloriæ atque laudis, quantos nobis ex Tua vigilantia felicitatis fructus allatura ſint ; quæ ſcilicet Te totum, qualis ſis, patefacient ; virtutes tuas omnes exprom ent, atque in lucem proferent ; ut admirentur nobiſcum omnes neceſſe ſit ſummam illam Tuam in rebus noſtris defendendis Fortitudinem, in adminiſtrandis Prudentiam, in emendandis Virtutem.

Si quid vero adverſi nobis evenerit ; ſi nonnullorum tandem invidiæ, temporibuſque cedere cogamur ; una reſtat adhuc damna nobis reſarciendi, & vulnera ſanandi via : dum Alii ſcilicet in nos & ſtudia noſtra inquirere, dum mores noſtros ad examen revocare, atque in judicium ſiſtere minentur ; Nos ipſi potius in noſmet ſedulo inquiramus ; Nobiſmet ipſis Cenſores, nobiſmet Judices ſimus ; Statutis noſtris religioſe inſiſtendo pios, probos, ſeveros ; Studiis diligenter incumbendo doctos, eruditos, claros noſmet efficiamus : Alii honoris Titu-

los, Doctoratumque ipsum artibus haudquaquam Academicis foras sibi quærant; Nos non nisi Liberali Doctrinæ, Probatæ Industriæ, Spectatæ Fidei honores nostros deferamus: Alii Ecclesiæ Beneficia, Dignitatesque occupent; Nos mereamur: Alii virtutis præmia, nos virtutem tamen teneamus: hisce armis, atque hac innocentia nostra muniti inimicorum facile impetus repellemus, vires frangemus; Maledicis silentium, Malevolis pudorem offundemus.

Hæ Tibi, Vir Amplissime, gubernandi erunt artes; hæc Tui Magistratus laus & gloria; hanc Majorum disciplinam, hos antiquos mores Autoritate Tua restituere; Exemplo confirmare; Decretis stabilire. *Vale.*

BIBLIO-

B. *Bibliotheca Vetus armarijs suis, quæ Classes vocamus, instructa.*

B 2. *Bibliothecæ Veteris pars altera, in Classes etiam distributa; quam, quoniam reliquis angustior & Scholarum Publicarum in fronte posita sit, rotundum, atque informiam quam Schema exhibet, amplificandam decreverit Academia.*

B R *Bibliotheca Regia; in quam locumq; illum quadratum ad sinistram consulsi jam servantur libri omnes a Rege donati, quibus recipiendis octo Armaria, seu Classes, ex utrâq; Conclavis parte, ut in Veteri Bibliotheca, extructa sunt; perpetuumq; præterea et duplex quoddam Ferularum Corpus utrumq; libros excipiens, quod medium domum secat, pariq; longitudine a solo usq; ad tectum per septendecim tabulata exsurgit; hæc tamen libros omnes capere nequaquam valent, quorum pars insuper magna humi adhuc confusa jacet.*

S *Senaculum, seu Domus ut dicitur, Congregationis; quæ post absolutam ædificationem (quam sedulò jam urgemus) Bibliothecæ adjungenda est, cujus domum formam quadratum perfectumq; efficiet.*

BIBLIOTHECÆ CANTABRIGIENSIS ORDINANDÆ METHODUS.

POSTQUAM Senatui Academico *novum Proto-Bibliothecarii munus* eodem decreto instituere simul & ad me deferre visum est; ne collati temere beneficii infamiam *Gravissimo Ordini* inurerem, statui illico omni studio, opera, viribusque meis eniti, ut tam honorifico vitæ meæ studiorumque testimonio aliquatenus respondérem, & tanto hoc, tamque insperato prorsus honore memet haud indignum præstarem; utque omnibus præterea ostenderem, munus ipsum non *mei solius*, sed *Bibliothecæ* omnino causa, non (quod susurrari audiebam) pro *gratia*, qua in Academia florui, sed pro *rei ipsius necessitate* esse institutum. Quum igitur ex *præsenti Bibliothecæ publicæ statu* otii mihi aliquid temporisque dari viderem, id statim arripui, atque ad ea penitus studia contuli, quæ *Bibliothecarii propria* existimantur, quæque in *ipsius Bibliothecæ* fructum redundare aliquando poterint. *Surgentia* vero jam *Theatri mœnia* quum libros versandi, utendique spem haud longinquam præbere videantur; ne in me negligentiæ aliquid aut moræ crimen resideret;

quicquid mihi *de re Bibliothecaria* cogitanti unquam vel legenti occurrerat, ſcriptis mandandum, cumque amicis communicandum duxi, ut aliquid inde in publica Academiæ commoda decerpi forſitan poſſit: utque rebus iis omnibus, quæ ad *Bibliothecæ inſtructionem*, *ornatumque* pertineant, mature perpenſis atque accurate conſtitutis, Bibliothecarii ſeſe alacres præſcripta ad munia accingerent, neque loca *libris accipiendis* paratiora, quam *eis occupandis* libri reperirentur: etenim dum tanto apparatu, tantiſque ſumptibus honeſta libris domicilia, dignæque ſedes exſtruantur, turpe plane eſſet ſi hiſce Academiæ ſtudiis *Bibliothecarii* minus reſponderent, avidiſque bonorum omnium votis moræ aliquid *a ſe* interjici paterentur.

In hiſce vero, quæ de *Bibliothecæ ordinandæ ratione* diſputaturus ſim, etſi nihil novi aut eximii eſſe ſatis ſcio, ſpero tamen admoneri inde atque excitari poſſe eruditos, ut Studiorum & cogitationum partem aliquam huc conferant, & ſi quid in hoc genere conſilii habeant, id candide & libere impertiant: cum enim *ex egregia Regis liberalitate* tanta Bibliothecæ noſtræ facta ſit acceſſio, ut alias ubique omnes (quarum Indices ſcilicet impreſſos viderim) cum librorum *numero*, tum *præſtantia*, *delectuque* facile ſuperet, illam certe omnibus numeris abſolutam, omnibus modis ornatam, illuſtremque efficere debemus, ut huic tandem Academiæ non minus apud exteros gloriæ, quam domi fructus afferre valeat.

Quæ

Quæ vero dicenda ſint ut facilius clariuſque intelligantur, *Schema quoddam* adjunxi, interiorem Bibliothecæ formam (qualis abſoluta tandem ædificatione futura ſit) etſi minus forſan exacte, ad rem tamen noſtram ſatis apte referens.

Comparata itaque cum nobis ſit tanta librorum omnium ſupellex; quod jam proximum eſt, eos *collocandi*, *diſponendique* methodus aliqua excogitanda eſt, qua in *juſtam*, *pulchramque Bibliothecam* exſtrui ac ædificari poſſint: librorum enim quantuſcunque numerus *ſine ordine* congeſtus haud magis *Bibliothecæ*, quam *lapidum illa* ad nos advectorum *moles Theatri* nomen mereatur, donec *arte quadam* & *certo ordine* diſpoſiti perfectam tandem ſtructuram efficiant: *artem* vero *illam Ariſtoteles* inveniſſe, *Regeſque Ægyptios* primus docuiſſe fertur [*a*]: Quo ſcilicet magiſtro *immenſam illam Bibliothecam* & in toto terrarum Orbe celeberrimam inſtruxerunt: ab illo utique Authore *Bibliothecarii Ordinis inventio* requiri quaſi de jure poterat, cujus unius Scripta (ut Hieronymus de Origene poſtea tradidit) *Bibliothecam vel implere* valuerint: libros etenim *idonee collocare* majoris eſſe prudentiæ videtur, quam *congerere*; hoc enim ſolius *pecuniæ*, illud non niſi *ingenii* vi perficitur; hoc *divitem* tantum, illud *doctum* poſtulat; Quodque *Plinius* [*b*] de orationis ſtructura dixit, ad librorum etiam ſtructuram æque pertinet: *invenire præclare in-*

[*a*] Strabo. l. xiii. [*b*] Ep. l. iii. 13.

terdum etiam barbari ſolent, diſponere apte niſi eruditis negatum eſt: neque minus propterea *Ariſtoteli* debere videantur *Bibliothecæ*, quam *Alexander ille magnus*; quem dicere ſolitum accepimus, *Se a Philippo patre corpus tantum habuiſſe, ab Ariſtotele animum.*——Non opus eſt ſingula percurrere, quæ de *Bibliothecæ inſtruendæ ratione* a Viris doctis commemorata unquam ac tradita fuerint; ſufficit enim dicere, librorum *juxta facultates*, ut aiunt, *diſpoſitionem*, ſeu *Ordinem* quem *Claſſicum* vocamus, ex omnibus mihi unice placere. Etenim *Ordo* cum nihil aliud ſit, quam rei uniuſcujuſque *in ſuo loco* collocatio, quid aptius aut perfectius excogitari poteſt, quam hujuſmodi librorum diſtributio, qua ſcilicet in *Claſſibus propriis*, haud ſecus ac *in familiis*, is ſingulis aſſignetur locus, qui *ætati*, *dignati*, & *muneris rationi* maxime convenit? & quum in animis hominum erudiendis librorum omnis uſus verſetur, iſte certe *ordo* præponendus omnibus eſt, qui huic potiſſimum fini accommodetur; qui ſcilicet eruditionis aliquid in ſe non *contineat* modo, ſed *doceat*; quemque *vel intuendo* doctiores evadere valeamus: ex hac enim librorum collocatione Diſciplinarum omnium *mutuam* inter ſe *connexionem*; ex hac *ſcientiarum ortus*, *incrementa*, *varios caſus*, *interitus*, *inſtaurationes*; ex hac, inquam, *hiſtoriam quandam literariam* a primis retro ſeculis, ad noſtra uſque tempora deductum, *ſola* fere *Ordinis contemplatione* colligere & perdiſcere liceat: quodque Cicero [*a*] de *Ordine* generatim poſuit,

[*a*] De Orat. l. ii. de

de hoc præcipue *Bibliothecario Ordine* veriſſimum eſt ; *memoriæ ſcilicet eum quam maxime lumen afferre* ; atque *ad libros* itidem transferre liceat, quod de *ſententiis*, *verbiſque Oratoriis* idem ille *ſummus Magiſter* docuit : *illis* [*a*] ſcilicet *nec fructum nec ſplendorem ineſſe niſi diligenter collocatis* : hinc præterea Authorum in quavis diſciplina Principum *facilis notitia*, *faciliſque* ad eos *aditus* patet, quibus ſemel comparatis dimidium certe viæ, laboriſque in omni ſtudiorum genere confici videtur, τὸ δὲ μανθάνειν ῥᾳδίως ἡδὺ φύσει πᾶσίν ἐστιν [*b*]. Hæc itaque tot, tantaque nullo ſane labore, atque uno quaſi temporis momento ediſcere jucundiſſimum ſit oportet. De hujus autem *Ordinis ratione* atque inſtituendi methodo pluribus deinceps agam, ejuſque *imaginem quandam*, *ſeu tabellam*, ut potero, adumbrare conabor.

Nollem tamen tam *ſuperſtitioſam* inſtitui librorum in *proprias Claſſes* diſtributionem, quin illorum *formæ* ſimul & *magnitudinis* ratio aliqua ſit habenda : in *libraria* enim ſupellectilis, haud ſecus ac *domeſticæ* diſpoſitione, etſi *uſus* præcipue ſpectari, nonnihil tamen *elegantiæ* etiam tribui debet : librorum autem *maxime inæqualium* conjunctio, tanquam *Gigantis* cum *Pumilione* commiſſio, deformis plane videtur, & aſpectu ridicula. Quum vero *Bibliothecæ noſtræ foruli* per *ſex* quaſi *tabulata*, variis voluminum

[*a*] Orator. [*b*] Ariſtot.

formis

formis accommodata, *duabus* hinc inde *alis* in altum ſint exſtructi; hujuſmodi omnis offenſio vitari facile poterit, ſi ejuſdem facultatis, diverſæ tamen magnitudinis libri per *varios hoſce forulos* pro inæqualitatis ratione diſtribuantur.

Forulorum autem (quoniam mentio jam inciderit) *diviſionem* immutari paululum vellem: etenim cum *unica* jam illorum *ala* (adjunctis eis, qui ſub feneſtris poſiti ſunt) *diſtinctum quoddam Corpus*, ſeu *Armarium* conficiat, quod *Claſſem* improprie nominamus, & majuſcula aliqua Alphabeti litera diſtinguimus; dum ejuſdem areæ *pars altera*, ſeu forulorum *ala oppoſita* ad *aliam* omnino *Claſſem* pertineat (ut a. b. c. d.) vitandæ jam confuſionis gratia, quam iſta ſæpe peperit diſtributio, vellem ſane, ut *tota illa area*, quæ (ad formam literæ H dimidiatæ) *forulis* ſub feneſtra poſitis, *duabuſque hinc inde alis* conſtet, *unicam* tantum *Claſſem* conficiat, *unica* Alphabeti *litera* diſtinguendam; utque idem forulorum numerus & forma ex adverſa Conclavis parte litera Alphabeti proxima deſignentur (ut A. B. C. D.) quoſque ejuſdem argumenti libros A continere nequeat, B excipiat. Quoniam denique librorum novorum acceſſione creſcat indies, augeaturque Bibliotheca neceſſe ſit; ut nulla inde Ordinis perturbatio conſequatur, locum aliquem libris iſtis adventitiis, ſive emptis, ſive dono acceptis dicatum velim, ubi reponi aliquandiu, & ſingulis demum annis, ſeu ſex menſibus in Catalogum adſcribi, &

in

in Claſſes ſuas diſtribui poſſint : quibuſque tandem recipiendis *ſpatii aliquid* in ſingulis librorum forulis *vacuum* relinqui conveniat.

Hæc vero ut recte omnia inſtituamus, *commiſceantur* omnino oportet *Utriuſque Bibliothecæ* (*Regiæ* ſcilicet & *veteris*) libri : harum enim *perpetua disjunctio* magnam certe confuſionem & multa incommoda pareret ; librique inde minus cum *ad uſum prompte*, tum ad *aſpectum venuſte* diſponerentur, in quibus omnibus Bibliothecarum laus, utilitaſque conſiſtere videntur ; atque *ejuſdem* non ſolum *facultatis*, *ejuſdemque Authoris* libri, ſed *ejuſdem* etiam libri *partes* ex variis diſſitiſque hinc inde locis quærendi ſæpe colligendique eſſent : ipſiuſque adeo Bibliothecæ ſplendor, dignitaſque diminuerentur, quæ *diſtractis*, *disjunctiſque* copiis minus ſane illuſtris, minuſque veneranda appareret ; collectis autem in unum viribus eruditos omnes admiratione quadam commoveret, dum incredibiles ejus in omni genere literarum opes *explicitis ordinibus* & *continua ſerie* exhibitas intuerentur. Siqui vero exiſtiment libros omnes *a Sereniſſimo Rege* donatos ob celebriorem rei memoriam (quam ſane & *omni laude dignam* judico, & *ſempiternam fore* ſpero) *ſejungi* ſemper a reliquis, *ſeparatimque cuſtodiri* oportere ; recordentur velim, huic aliunde ſatis eſſe proviſum, ex *annua* ſcilicet *ſolennique Benefactorum noſtrorum commemoratione*, qua cautum eſt ab Academia, ut grata tam inſignis beneficii celebratio omni poſteritati commendetur,

tur, ipſo ſemper voluminum *numero & pretio* ſimul commemoratis : ſin majorem adhuc diligentiam curamque poſtulare res tanta videatur, ſingula præterea volumina *gentilitiis Armorum Regiorum inſignibus* ornari atque a cæteris diſtingui poſſint : ineptum autem ridendumque plane eſſet, ſi libros hoſce ad literarum ſtudia promovenda libere & abſque ulla conditione datos, iniquis ipſimet conditionibus reguliſque, uſui, cui dicati erant, minime accommodis, ſubjiceremus.

Videmus autem in Schemate adjuncto *loca quædam quadrata*, (1. 2. 3.) quæ *quatuor illa Bibliothecæ conclavia* connectunt inter ſe, communiaque & pervia reddunt : hæc, ſi quæratur, quibus uſibus deſtinari, qualique ſupellectile inſtrui velim, vix habeo quod reſpondeam ; illorum nempe forma & ſitus ratio efficiunt, ut neque in eadem Armaria, ac reliqua Bibliotheca, dividi omnino, neque Diſciplinæ alicujus libris præcipue conſervandis diſponi commode poſſint : rem vero attentius conſideranti aptiſſima tandem viſa ſunt rebus eis omnibus excipiendis, quæ *elegantia* magis ſint quam *neceſſaria*, quæque ad *ſpeciem* potius quam *utilitatem* Bibliothecæ pertineant : *Tabulas* velim *pictas*, *Signa*, *Statuas Græcorum Veterum* & *Romanorum* ; *Benefactorum* etiam *Doctorumque* omnium, qui Academiam fama, ſcriptiſque ſuis illuſtraverint, quotquot comparari poterint *imagines*.

Stabunt

Stabunt *olim hoc in loco Illuſtres illi Viri, quorum præſidio Muſæ jam noſtræ efflorescunt, quorumque munificentia mœnia noſtra ſurgunt : ſtabit hic,* inquam *Marmoreus, Comes Ille noſter Angleſenſis, (mihi ſane omnibus officiis proſequendus, laudibus celebrandus) cujus nomen huic noſtræ Cantabrigiæ ſplendori ſemper decorique erit ; quam ſumma jam benevolentia fovet, beneficiis auget, moribus ornat : cui ſi propter merita in* Almam Matrem *(quæ maxima tamen extant) honos iſte minus deberetur ; at ingenium acre, at doctrina, qua præditus eſt, eximia in hoc certe Muſarum ſacrario præcipuum ei locum vendicaret.*

Hoc autem genus etſi *ſpecioſum* magis, ut dictum eſt, quam *utile* cenſeri ſoleat, ad *eruditionem* tamen haud parum valere, *Hiſtoriæque* potiſſimum inſervire videtur ; dum quæ in libris paſſim memorantur, quæque ex omni antiquitate præclare geſta legimus, memoriæ facile ſuggerat, oculique quaſi ſubjiciat : atque *hac* propterea *ſupellectile* omnes omnium gentium eruditi *Bibliothecas ſuas* ornare atque inſtruere conſueverint ; æquum ſcilicet exiſtimantes & rationi quam maxime congruens, quibus in locis *immortales* doctorum *animæ* perpetuo loquantur, in iis etiam *Corporum ſimulacra* quædam fingi atque aſſervari debere : Ἐγὼ δὲ, ὦ Νικόκλεις, ἡγοῦμαι μὲν εἶναι καλὰ μνημεῖα καὶ τὰς τῶν σωμάτων εἰκόνας. Iſocrat. Ciceronem autem horum omnium *ſummopere ſtudioſum* fuiſſe plurimæ

plurimæ ejus epiſtolæ demonſtrant. Scribens enim ad Atticum Athenis commorantem, [*f*] *Hermæ tui Pentelici*, inquit, *jam nunc me admodum delectant: quare velim & eos & ſigna quam plurima, quam primumque mittas, maxime quæ tibi gymnaſii, xyſtique videbuntur eſſe; nam in eo genere ſic ſtudio efferimur, ut abs te adjuvandi, ab aliis prope reprehendendi ſimus.* Et rurſus, [*g*] *Signa Megarica, & Hermas vehementer expecto; quicquid ejuſdem generis habebis dignum Academia quod tibi videbitur, ne dubitaris mittere, & arcæ noſtræ confidito. Arcam* vero *illam exhauſiſſe* tandem, atque ex avida horum coemptione *in ære* plane *alieno* [*h*] fuiſſe videtur. Sed vix unquam apud optimos *Romæ veteris* ſcriptores *Bibliothecæ alicujus illuſtris* mentio incidat, quin & *ſtatuas* & *imagines* ibi dicatas commemorari ſimul inveniamus: ut *Suetonius de Tiberio:* [*i*] *Scripta eorum*, inquit, *& imagines publicis Bibliothecis dedicavit.* Et *Plinius de Silii Italici villa:* [*k*] *Multum ubique librorum, multum ſtatuarum, multum imaginum.* Hæc igitur Bibliothecarum omnium tam *propria*, atque his præcipue locis *tam apta* eſſe ornamenta videntur, ut ſine Academiæ dedecore quodam & reprehenſione deſiderari plane nequeant. Hic inſuper, ſi videbitur, *antiqua Numiſmata, Sigilla, Annuli* & quicquid vel *natura* vel *artis rarum* habeatur, in loculamentis, niduliſque apte diſpoſitis condi

[*f*] L. i. Ep. 8. [*g*] Ibid. Ep. 9. [*h*] Ad Fam. l. vii. 27. [*i*] C. 70. [*k*] L. iii. Ep. 13.

omnia

omnia & reponi poſſint. Hæc denique loca *ſellis*, *menſis*, rebuſque aliis omnibus inſtructa vellem, quæ doctorum hominum *congreſſus* ibi & *colloquia* quam maxime provocent, qui virorum ex omni gente ac ætate principum *corona quadam* cincti, *locique reverentia* permoti nihil *abjectum* aut *humile* cogitare audebunt, ſed *æmulatione* potius accenſi Veterum Illorum gloriam ſcriptis factiſque exæquare conabuntur: *locorum enim admonitu*, inquit Cicero, [*l*] *acrius & attentius de claris viris cogitare ſolemus.* Rogandi igitur, atque omnibus modis exorandi ſunt viri ubique eruditi, qui literarum Studiis, atque huic præcipue Academiæ faveant, ut hujuſcemodi aliquid ex Muſeis ſuis ad Bibliothecæ Publicæ ornatum & ſplendorem conferant; cujus beneficii memoriam, quibus par eſt, gratiis celebrandam atque omni poſteritati tradendam curabimus.

Conclave autem illud, quod a cæteris ſejungi, atque ultra reliqua ædificii latera *Caii verſus* in longum excurrere videmus, *librorum MSS Bibliotheca ſit*, focoque iis ab humore noxio conſervandis apto inſtructum: quod cum quinquaginta circiter pedes longum & viginti ſeptem latum ſit, huic uſui accommodum ſatis videtur. In hoc etiam (Bibliothecæ utpote veſtibulo proximum) Bibliothecarii quotidiano munere fungentes, ſeſe recipere, advenas ex-

[*l*] De fin. l. v.

pectare,

pectare, omnibuſque Bibliothecæ occaſionibus præſto eſſe poſſint: Sin autem MSS Codicum receptui ob lucis inopiam aliamve quamlibet cauſam minus tandem aptum reperiatur, ii tum in iiſdem armariis, ac libri impreſſi, reponi commode poſſint, *valvulis* autem *clavibuſque (ut apud Trinitonienſes)* a vulgari uſu ſecluſi & in tuto collocati.

Libris vero pulchro tandem ordine diſpoſitis, ſequitur jam *Catalogi conficiendi* cura; res ſane magni momenti, multique ſudoris: non temere enim eum atque oſcitanter inſtitui (quotidianorum Catalogorum ad inſtar, ubi multa omiſſa, & confuſa omnia videamus) ſed diligenter & accurate deſcribi velim; ut *Bibliotheca illa*, cujus notitiam ſit exhibiturus, dignus plane reperiatur: in *Catalogo* autem *recte inſtituto* uniuſcujuſque libri *hiſtoriolam quandam* requirimus, quæ ſingula ad eum dignoſcendum atque a cæteris omnibus diſtinguendum neceſſaria quam breviter, quamque dilucide exponat; unde præter *Authoris*, *Editoris*, *Interpretis* nomina, uno ſimul intuitu pateat, de *quo argumento* & *qua lingua* fuerit ſcriptus, *quo loco*, *anno*, *quaque voluminis forma* impreſſus: addito præterea (ut nonnullis placet) *quo Typographo*, *quo Characteris genere*, *quotaque editione prodierit*. *Catalogi conſtruendi* methodum quod attinet, *Ordo librorum Claſſicus*, *Authorumque Alphabeticus* mihi longe commodiſſimi videntur; ad *perfecti* vero *Catalogi* conſtructionem *ambobus* certe

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conjunctis opus eſt : illo ſcilicet, ut uſibus, quos ſupra attigi, inſerviat ; hoc, ut libri, quem quærimus, Claſſem, locumque demonſtret ; in quo uſus ejus præcipue conſiſtere videtur : illo, inquam, ut illuſtris, perfectæque Bibliothecæ eleganti Ordine diſpoſitæ ideam pulchram exhibeat ; hoc, ut *Indicis* illi officium præſtet. Hujuſmodi igitur *duplicem Catalogum* non deſcribi modo, ſed in publica literarum commoda *Typis etiam mandari* vellem ; ut locupletiſſimæ Bibliothecæ fructus cum viris omnium gentium eruditis candide & ingenue communicemus : inſignium enim Catalogorum editiones maximum Orbi literato emolumentum, maximum literarum ſtudiis incitandis, promovendis, perficiendis adjumentum afferunt ; omniſque ex hiſce ſane fontibus haurienda eſt *rei librariæ notitia* ; quam, a noſtris nimis etſi neglectam, haud in infimo tamen eruditionis gradu ponendam arbitror : *ſcire enim* (ut doctus quidam [*m*] monuit) *ubi aliquid poſſis invenire, magna pars eruditionis eſt.*

Catalogorum autem idem plane munus eſt in *Republica literaria*, quod in *Romana* fuit olim *Nomenclatorum* ; indicant enim *Doctrinæ Candidatis* nomina illorum, quos *prenſare*, quos *colere*, quorumque *ope uti* oporteat, ut honores, quos ambiunt, conſequi poſſint : quamque propterea jucundæ, quam doctis omnibus deſideratiſſimæ illorum prodeant impreſſiones, eruditorum ubi-

[*m*] Schultetus delic. Evang.

que ſcripta, epiſtolæque abunde teſtantur. *Neſcio* (inquit [*n*] *Coringius*) *qua arcana voluptate vel ſoli tituli librorum mulceant ingenuos quoſque φιλομαθεῖς animos.* Et *Joſ. Scaliger* ad *Gruterum* [*o*]: *Indicem Bibliothecæ veſtræ ſedulo legi: locupletior eſt, & meliorum librorum quam Vaticana*; *itaque voluptati fuit legiſſe.* Horum igitur plures ſane impreſſos videremus, ni ſumptus, laborque in iis edendis pæne infinitus obſtarent: etenim hoc ſiquis vulgare quiddam, effectu facile, nec multæ induſtriæ opus exiſtimaverit; hoſpes plane *in re libraria* ſit oportet, nec in hujus generis Authoribus verſatus; qui uno omnes ore, ſummam rei difficultatem prædicant. *Mich. Mattaire*, Vir ſane doctiſſimus, auctorque graviſſimus: *Quiſquis*, inquit, [*p*] *hujuſmodi operis ſategerit, ei non tantum multum tædii & laboris devorandum, pertinax adhibenda induſtria, ſed minime vulgaris conferenda ad hoc propoſitum in evolvendis libris, iiſque (quotquot huc ſpectant) omnibus examinandis exercitatio. Fruſtra id aggrediuntur, qui titulo tenus duntaxat ſapiunt*, &c. Author Syſtematis Bibliothecæ Jeſuiticæ Pariſienſis, *Catalogum*, inquit, *tam numeroſum typis edere, infiniti eſt laboris, immodicæque impenſæ:* hiſque ſe a Catalogi editione deterritum fuiſſe innuit. *Coringius* itidem [*q*] *Indicis Bibliothecæ Auguſtæ deponendam omnino*

[*n*] De Bibliotheca Auguſt. p. 5. [*o*] De Biblioth. Heidelberg. [*p*] Præf. Annal. Typogr. Vol. II. [*q*] Ibid. p. 43.

expecta-

expectationem monet, tanquam rem effectu non difficillimam duntaxat ſed impoſſibilem. Tho. Hyde Bibliothecæ Bodleianæ Præfectus in Catalogi iſtius editione ſe novennium integrum non ſine ſumma induſtria contriviſſe profitetur; qui tamen *Alphabetice* tantum conſtructus eſt, dimidiamque librorum noſtrorum partem haud multum exuperat: poſt *novennales* autem hoſce labores negligentiæ tandem reprehenſionem *Vir doctus* effugere nequiit, quaſi opus quoddam imperfectum & minus utile ediderat, propter omiſſum ſcilicet, quem diximus, *Claſſicum* librorum Catalogum. *Bailletus* enim (eruditus & ille quidem *Bibliothecarius) illa ipſa*, inquit, [r] *quæ Thomæ Hyde arriſit methodus, ut ad ſtudiorum utilitatem minus neceſſaria, ita nec ſola debuit adeſſe, ſed poſterior, cui priorem argumentorum ſive rerum Ordinem, utpote longe utiliorem præmitti oportere nemo non intelligit: hæc oportuit facere & illa non omittere.*

In libris porro *evolvendis*, ac in *proprias Claſſes* diſtribuendis, ii omnes notari & colligi a Bibliothecariis debent quorum *bina* vel *plura* occurrant *ejuſdem editionis Exemplaria*; quibus ſcilicet venditis demum aut commutatis, alii facile omnes, quos in diſciplina aliqua maxime deſideremus, pecunia inde confecta comparari. Bibliothecæ defectus ſuppleri, Cataloguſque adeo auctior & perfectior fieri poſſit. In hoc vero

[r] Præf. Biblioth. Lamonianæ.

toto opere perficiendo me nullam unquam laboris partem, quam mei ferre humeri valeant, declinaturum polliceor : quod de *Bibliothecario* itidem *altero*, *viro quidem induſtrio*, confirmare auſim : mihi tamen deplorata plane tota res eſſet, utpote *utriuſque longe vires* exuperans ; niſi in *ea* eſſemus *Academia*, in qua prompta nobis parataque ſint tanta doctorum hominum auxilia ; quos ad oneris hujuſce ſocietatem & partitionem quandam advocatos ſtrenue nos conſilio, ſtudio, opera adjuturos eſſe confido.

Conſuetudinem illam quod attinet, libros impreſſos *e Bibliotheca Publica* promendi, atque ad cubicula ſua aſportandi, a quibuſdam reprehenſam quidem ; integram tamen Academicis conſervari vellem ; utpote Bibliothecarum inſtitutioni imprimis conſentaneam, ſtudiorumque rationi longe commodiſſimam ; quæ a publicis ſemper locis abhorrent, atque otium & ſeceſſum omnino requirunt : librique hoc modo non niſi *fœnori dati* magnas ſæpe Bibliothecæ præſtant *uſuras*, novorumque librorum fructum ei quendam & incrementum haud raro pariunt : ex hac vero librorum promendorum facultate nonnullos omnino eximi oportet, qui privati nequaquam uſus eſſe, ſed communes omnibus in Bibliotheca perpetuo ſervari debent : *ut Dictionaria*, *Indices*, *Repertoria*, *Bibliothecæ Authorum ſeu Facultatum*, *Theſauri Antiquitatum*, *Rymeri Fœdera*, *Biblia etiam Polyglotta*, &c. totumque illud genus, quod prout ſtudiorum ratio poſtulet, conſulere

conſulere potius quam perlegere opus ſit: libros denique a Studioſis ita deſumptos *legibus* ad hanc rem conſtitutis prorſus ſubjici, atque ad *certum, definitumque tempus* reſtitui neceſſe eſt, ut videre tandem poterint *Bibliothecarii*, nequid inde damni capiat Bibliotheca. *Manuſcriptorum autem Codicum* alia plane ratio eſt, omneſque, quos noverim, Bibliothecarum Inſtitutores quam diligentiſſime eos cuſtodiri & vix ultra ipſos *Bibliothecæ limites* evagari debere cenſuerunt; judicantes ſcilicet, idque quidem ſapienter, *pretioſiſſima hæcce Bibliothecarum ſuarum ornamenta*, quam rariſſime deſiderari atque abeſſe oportere; quorumque damnum reſarciri nullo modo & compenſari poſſit, quam pauciſſimis jacturæ caſibus committi debere: hoſce igitur libros etſi graviſſima de cauſa *e Bibliothecæ mœnibus* exire nonnunquam paterer, nequaquam tamen abeſſe diutius, quam ipſa utendi cauſa & neceſſitas plane poſtularent: atque hæc *Codicum Manuſcriptorum lex* a Majoribus accepta in hac noſtra Academia *inviolata* ſemper obtinuit.

Quidam tamen apud nos, *viginti fere Codices MSS. e Bibliotheca publica domum* ſibi tranſtulit; quorum aliquos *undecim*, alios *octo*, omnes autem *quinque ad minimum annos* ſibi quaſi proprios ſervavit; atque inter alios celeberrimum illud *Evangeliorum Exemplar*, quod a *doctiſſimo Beza* dono olim acceperat Academia; maximum plane *Bibliothecæ noſtræ lumen*, clariſſimumque *ſummæ vetuſtatis monumentum*; quodque Ad-

venæ, Curioſique omnes unice ferme omnium videre & verſare cupiunt: ejus tamen *ſeptem jam circiter annos* non modo non *utendi*, ſed *ne conſpiciendi* quidem, niſi impetrata pius a *Viro bono* venia, copiam habuit Academia: etenim cogitat *Vir modeſtus* aliis demum omnibus perſuadere, quod ſibi jam diu habet perſuaſiſſimum, ſe *unum* eſſe in hac Academia, qui *Manuſcriptos libros* evolvere dignus haberi mereatur. Huncce vero *Bezæ Codicem*, poſtquam repetitis nuntiis revocare fruſtra laboraſſem, ad Bibliothecam tandem paucis ante diebus, una cum reliquis illis ſupra memoratis, remittere dignatus eſt. Ex *Bibliotheca autem Elienſi* (quam *dono vere Regio* jam poſſidet Academia) libros itidem haud paucos, cum *Manuſcriptos*, tum *perantiquarum* quoſdam *Editionum* & melioris notæ impreſſos mutuo illum olim accepiſſe comperio; de quibus poſt tot annos reſtituendis *monitus* jam tandem cogitet velim, ne *per Judicem* illos me repetere cogat; etenim ſi hujuſmodi libros *ſine venia*, aut *cautione legitima* tam diu apud ſe detinere ſibi *haud inhoneſtum* putet, at mihi certe eſſet, ſi paterer.

Non mei jam inſtituti eſt ad minutias illas, nugaſque deſcendere, quibus tam putide commorari ſæpe ſoleant *Bibliothecariæ rei* ſcriptores; regulas ſcilicet *Bibliothecæ verrendæ* præſcribendas, librorumque a pulvere & ſordibus purgandorum præceptiones: hujuſmodi etenim omnia Uſus, Senſuſque communis expedire ſatis

apte

apte & docere valeant: reliquum ſolum eſt, ut *Ordinis iſtius Claſſici* quem in librorum collocatione obſervandum omnino cenſeo, *tabellam quandam* ſeu *ſynopſim* exhibeam in varia Capita & Titulos pro rerum & argumentorum varietate diſtinctam. Nonnulli hujuſce Artis Doctores, dum facilem, ſimplicemque quam maxime (naturæ quaſi conſentaneam) affectent viam; ob ſectionum, titulorumque paucitatem *perturbata* omnia, *vaga*, *minuſque diſtincta* relinquunt: alii interea dum artem præcipue oſtentare, ac *elaboratam quandam Ordinis rationem* inſtituere cogitent, confuſionem illam, quam tollere præ ſe ferunt, nimia diviſionum ſubtilitate & multiplicatione pariunt: hæc duo vitia, quantum potui, vitare ſtudui; collatiſque inter ſe *haud paucis præſtantiſſimarum Bibliothecarum Catalogis*, quicquid mihi recte in aliquo poſitum videbatur, tranſtuli ſtatim & decerpſi; quod autem in omnibus deſiderari adhuc putabam, id pro meo ingenio explere, & perficere ſum conatus: neque tamen ſtultus adeo ſum laborum meorum æſtimator, ut tam feliciter me omnia putem aſſequutum, ut nullus aliorum in hac cauſa ſtudiis nullus δευτέραις, ut aiunt, φροντίσι locus ſit relictus; fateor enim hiſce me in literis *parum verſatum*, *novitiumque* plane eſſe; nihilque in animo habuiſſe antiquius, quam ut aliis perfectius aliquid, & ad rem noſtram accommodatius excogitandi anſam præberem; quod ſi fuero unquam conſequutus, maximum me laboris mei fructum percepiſſe arbitrabor.

IN sequenti hacce *Librarii Ordinis* tabella *Jus Canonicum* a *Civili*, *Historiamque* itidem *sacram* a *Profana* secernendam duxi, ut quicquid ad *Theologiam*, *remque* omnino *Ecclesiasticam* pertineret, perpetua serie connexum sub uno aspectu caderet, unumque Corpus conficeret: *Historiæ* autem *Sacræ Profanam* proxime subjeci, quippe etsi rerum, quas tractent, diversitate satis inter se distinguantur, ejusdem tamen quum generis sint, haud locorum intervallo ab invicem sejungi debeant.

Singularum *Nationum Historiis* subjungendos omnino censui *Antiquitatum*, *Inscriptionum*, *Numismatum* libros, *vitasque* Hominum in *unaquaque* illustrium; quæ propter argumenti affinitatem ad generalem Regni cujusvis Historiam explanandam & perficiendam quam plurimum valent.

Geographiam, contra ac plerique soleant, ad *finem Historicæ Classis* rejeci, Historiæ quasi Appendicem, eique illustrandæ, atque animo infigendæ potissimum inservientem; quam vero ipsam per se, nisi *degustata prius Historia* sive sacra, sive profana, haud cum voluptate, aut fructu aliquo attingere possumus.

Dictionaria & Lexica in *singulas Facultates*, *seu Classes*, ad quas pertinent, *singula* distribui, ut *Lexica Medica in Medicinam*; *Historica in Historiam* &c. quod commodius longe, & ad usum aptius

aptius judicavi, quam ſi tam varii, tamque diverſi prorſus argumenti libros, qui nihil præter nomen inter ſe commune habeant, in *unum Lexicographorum titulum* omnes conjeciſſem.

Grammaticis & Linguarum Lexicis extremum inter literas humaniores *locum* aſſignavi; utpote quæ non niſi ex prius editis *Oratorum*, *Poetarum*, &c. libris confecta penitus & collecta fuerint: nihil enim eſt, quod *Natura* non primum invenerit; *Ars* deinde rei inventæ diſciplinam quandam, regulaſque effinxerit.

Singulorum Authorum opera *utcunque varia & Miſcellanea*, in unum collecta, ſimulque edita, nequaquam ab invicem diſtrahi vellem; omnia vero *præcipuæ* atque *illuſtrioris* alicujus partis (qua ipſe maxime Author dignoſcitur & celebratur) ſortem & partitionem ſequi debent: ut *Ciceronis opera omnia* in Oratoribus; *Plutarchi* in Biographis annumerentur.

Quæ vero tam *ſingularis*, tamque *inuſitati* ſint argumenti; quæve tantam *variorum, volantiumque*, ut aiunt, tractatuum collectionem & farraginem complectentur, ut in *certam aliquam Claſſem* haud facile reduci queant; in unum omnia collecta *Claſſem quandam Miſcellaneam* in extrema Bibliothecæ parte conficiant.

THEO-

THEOLOGIA.

BIBLIA.

Polyglotta. Parteſque Bibliorum polyglottæ.
Hebraica itidem, aliarumque linguar. Orient. ſeparatim.
Græca.
Latina.
In linguas vulgares tranſlata.
Novum Teſtamentum, ejuſque partes.
Concordantiæ, Lexica, Indices, Phraſes, Sententiæ Biblicæ, &c.

BIBLIORUM EXPLANATORES.

Critici, qui varias lectiones, emendationes, ſeu de Interpretationibus, Interpretibus, & libris Canonicis ſcripſerunt.
Gloſſatores, Scholiaſtæ, Paraphraſtæ, Catenarum effectores.
Commentatores in Utrumque ſimul Teſtamentum.
in Vetus ſolum ejuſque partes.
in Novum ejuſque partes.
Rabbinorum Commentarii, Quique de rebus Judaicis ſcripſerunt.

PATRES GRÆCI & LATINI.

Patres, Theologique Græci temporis ordine diſpoſiti; atque Illorum deinde tractatus quorum tempora incerta.
Patres Latini ad finem 12^mi ſeculi, quo nata

eſt Schola; Scriptoreſque itidem quorum tempora incerta.

Collectiones, Bibliothecæ, Theſauri, Auctaria, Antiquæ lectiones, Spicilegia, Dogmata, Sententiæ Patrum.

THEOLOGIA SCHOLASTICA.

Hujus Scriptores temporis ordine diſpoſiti.

THEOLOGIA MORALIS.

Hujus Scriptores eodem ordine.

Caſuum Conſcientiæ Scriptores.

THEOLOGIA MYSTICA ſive ASCETICA.

Qui de praxi virtutum in genere, & tota vita Spirituali ſcribunt; deinde qui de ſingulis virtutibus.

Qui variis ætatis gradibus, aut vitæ conditionibus regulas præſcribunt; ut Pueris, Adoleſcentibus, &c. Principibus, Epiſcopis, Conjugibus, Virginibus, &c.

Qui de cultu Dei & Divinarum Trinitatis Perſonarum.

Qui de cultu Virginis, Angelorum, Sanctorum.

THEOLOGIA CONCIONATORIA.

Qui artem docent, quique materiam ſubminiſtrant ex Scriptura, Patribus.

Qui conciones ſcripſerunt per annum totum, ejuſve partes, quique miſcellaneas ediderunt &c. Concionatorum Bibliothecæ.

THEO-

THEOLOGIA POLEMICA.

Adverſus omnes Chriſti Religionis hoſtes, Atheos, Infideles.

Adverſus Hæreticos.

Eccleſiæ Romanæ & Orientalis inter ſe controverſiæ.

Romanorum itidem & Reformatorum cujuſcunque nominis.

Romanorum inter ſeipſos.

Reformatorum inter ſeipſos.

CONCILIA, JUS CANONICUM & PONTIFICIUM.

De Conciliis in genere, eorum forma, autoritate, omnibuſque eo pertinentibus.

Conciliorum Generalium Collectiones.

Concilia Generalia ſeparatim edita ordine Chronologico.

Concilia Nationalia, Provincialia, ordine Regionum & Urbium.

Canonum Collectiones; Corpus Juris Canonici; Epiſtolæ decretales, Bullæ, &c.

Canoniſtæ, ſive Commentarii, tractatuſque generales & particulares Juris Canonici, ordine Chronologico.

De Eccleſia, ejuſque Hierarchia in genere; de poteſtate Eccleſiaſt. & Civili; Conciliorum & ſummi Pontif. autoritate; Sacerdotii & Imperii concordia.

De Cardinalibus, Legatis, Epiſcopis, Abbatibus, Parochis, Canonicis &c. de Beneficiis Eccleſiaſt. Sanctiones Pragmaticæ; Concordata.

De

De Clericis Regularibus in genere.
Regulæ, Conſtitutiones Regularium; Ordinum Monaſt. Militar. Monial.
De Diſciplina & Cenſuris Eccleſiaſt. Inquiſitione, &c.
De Divinis Officiis, & ritibus Eccleſiaſt. in genere.
Liturgiæ, Officia, & libri rituales Eccleſiarum ſingular. & Ordin. Monaſt.

Historia Sacra & Ecclesiastica.
Chronologia & Hiſtoria Sacra Veteris & Novi Teſtamenti.
Hiſtoriæ Eccleſiaſticæ Univerſalis Scriptores ordine temporis & linguar.
Hiſtoriæ Eccleſiarum ſingularum; Græcæ, Romanæ, &c.
Vitæ & Acta Sanctorum, Martyrum, Pontificum Rom. Cardinalium, virorum & fœminarum pietate præſtantium.
Hiſtoriæ Clericorum Regularium in genere; deinde ſingulorum Ordinum Monaſticorum & Militarium.
Hiſtoriæ & Chronica Monaſteriorum, locorum ſanctorum, Miraculorum, Reliquiarum & Sacrarum Imaginum.
Hæreſiologia.
Bibliothecæ & Catalogi Authorum Eccleſiaſticorum.
Geographia Sacra & Eccleſiaſtica. Notitiæ Epiſcopatum, &c.

HISTORIA

HISTORIA PROFANA.

De Hiſtoria conſcribenda & legenda; de Hiſtoricis, &c.

Chronologia & Hiſtoria Univerſalis; Chronica generalia, &c.

Hiſtoria Græca Antiqua, Veterumque Monarchiarum; item Antiquitates, Inſcriptiones, Numiſmata Græca.

Hiſtoria Romana ab Urbe condita ad Imperii tranſlationem; Antiquitates itidem, Inſcriptiones, Numiſmata.

Hiſtoria Byzantina ad captam a Turcis Conſtantinopolim.

Hiſtoria Imperii Occidentalis.

Hiſtoria Saracenica & Turcica.

Hiſtoria Magnæ Britanniæ, & ſingularum ordine ſuo Europæ Regionum; item Antiquitates, Inſcriptiones, Numiſmata, Vitæque Hominum in ſingulis gentib. illuſtrium.

Hiſtoria Miſcellanea, Fabuloſa, Genealogica, Heraldica.

Hiſtoria literaria; Continens hiſtoriam Academiarum, Typographiæ, Bibliothecarum: vitas, elogia, epitaphia Virorum dignitate & literis illuſtrium; Bibliothecas Univerſales Authorum; particulares Regionum, Ordinum, Civitatum: librorum Catalogos.

Rerum

Rerum Asiaticarum ; Africanarum ; Americanarum ; & variarum Perigrinationum Scriptores : Itineraria Nautica.

Geographi veteres & recentiores, generales & particulares : tabularum Geopraphicarum & Maritimarum Collectiones.

Dictionaria denique & Lexica Historica, Geographica.

JUS CIVILE.

Jus antiquum Græcum ; Romanum ; Leges antiquæ ; Codex Theodosianus ; Corpus Juris a Justiniano edit. Novellæ Constitutiones ; Basilicorum libri, seu jus Græco-Rom.

Juris consultorum Commentarii, seu tractatus varii in unum collecti, Concilia, Decisiones juris.

Tractatus de singularibus Juris Titulis ; ut de Testamentis, Usura, &c.

Juris Gentium Scriptores ; Fœdera & Pacta Principum ; Jus Feudale.

Leges & Constitutiones singularum Regionum ; Angliæ, Galliæ Italiæ, &c.

Bibliothecæ, Lexica, Indices, Compendia, Repertoria Juris.

PHILOSOPHIA proprie dicta.

Philosophi antiqui Græci, Latini, Arabes, & in eos Commentarii.

Phi-

Philoſophiæ generalis Scriptores recentiores.
Tractatus Logici, Ethici, Oeconomici, Politici.
Phyſici, Metaphyſici, Theologia Naturalis, Lexica Philoſophica.

MATHEMATICA.

Opera Mathematica generalia Veterum & Recentiorum.
Arithmetica, Algebra, Fluxiones.
Geometria Practica, Speculativa, Trigonometria.
Aſtronomia, Ephemerides, Calendaria; Gnomonica.
Aſtrologia; ad quam revocari poſſint aliæ artes divinatrices.
Optica, Perſpectiva.
Muſica.
Mechanica, Statica, & de motu Corporum.
Architectura, Pictura, Sculptura, Arteſque militares, Nautica, &c.
Lexica Mathematica, Technica, &c.

HISTORIA NATURALIS.

Qui de Hiſtoria Naturali Univerſali ſcripſerunt.
Qui de Homine & Animalibus generatim & ſpeciatim.
Qui de Plantis, Re ruſtica, Hortis, &c.

Qui de Foſſilibus, metallis, lapidibus, ignibus ſubterraneis, balneis & aquis mineralibus.

Qui de Monſtris & Prodigiis; huc forſitan revocandi ſunt qui de Spectris & Energumenis.

MEDICINA.

Veteres Medicinæ Principes Græci, Lat. Arab. & in eos Commentarii.

Recentiores, qui totam Medicinam attigerunt, quique de morbis in genere ſcripſerunt; Obſervationes; Conſultationes.

Qui de morbis Sexus, Ætatis, Gentiſve alicujus propriis, atque de morbis ſingulis ſcripſerunt.

Therapeutici & Pharmaceutici; qui de morborum curatione, & remediis, Venenis, Antidotis, & non-naturalibus ſcripſerunt.

Chemici.

Anatomici, Chirurgi, qui in genere, deinde qui de ſingulis operationibus.

Lexica Medica; Pharmacopœiæ, Diſpenſatoria; Hippiatrica, ſeu de Equorum curatione.

LITERÆ HUMANIORES.

Oratores Veteres Græci, Latini, cum Commentariis & Verſionibus: Item Proverbia,

Phraſes, loci communes, ſententiæ ex eis collectæ; quique artem deinde Rhetoricam tradiderunt.

Oratores recentiores; qui Orationes encomiaſticas, invectivas, paræneticas, inaugurales, libellos famoſos latine ſeu linguis vernac. ſcripſerunt.

Poetæ Græci & Lat. Veteres; cum Commentariis & Verſionibus; quique artem Poeticam tradiderunt.

Poetæ recentiores omnium gentium; qui latine, quique linguis Vulgar. Anglica, Gallica, Italica, &c. ſcripſerunt.

Epiſtolares Scriptores Veteres & Recent. Græce, Lat. & in linguis Vernac.

Antiquarii, qui de Antiquitatibus in genere ſcripſerunt; Mythologi, &c.

Philologia; operum Philologicorum collectiones; Philologi Veteres; Critici, qui obſervationes, emendationes, & varias lectiones ediderunt.

Polymathi, ſeu Polygraphi, qui varia ſcripſerunt ad artes liberales pertinentia.

Grammaticæ, Lexica, Gloſſaria linguarum omnium, Orientalium, Græcæ, Latinæ, Vulgarium: item Lexica Rhetorica, Poetica, & Singulorum Authorum; ut Pindaricum, Ciceronianum, &c.

MISCELLANEA quæ ad certam aliquam Claſſem reduci nequeant.

DE

MEDICORUM

APUD

VETERES ROMANOS

DEGENTIUM CONDITIONE

DISSERTATIO;

CONTRA VIROS CELEBERRIMOS,

JAC. SPONIUM & RIC. MEADIUM, M. D. D.

Servilem atque ignobilem eam fuisse

OSTENDITUR.

DE

MEDICORUM

APUD

VETERES ROMANOS

Degentium Conditione

DISSERTATIO, &c.

VESPERI nuper cum Amici aliquot in Bibliothecam meam pro more coiſſemus, ſermones cum familiares, tum eruditos etiam fortaſſe in noctem uſque producturi; cumque unà, pro copia illa quam Cantabrigia noſtra facilè ſuppeditat, ex ſingulis ferè Scientiis docti aliqui adeſſent; poſteaquam, ut in congreſſu ſolemus, novi quicquid vel in re literariâ vel publica evenerat, in commune ſinguli contuliſſemus; Medico quodam, qui ex Collegio Regali convenerat, viro in primis probo atque erudito, nonnulla fortè de Variolis apud nos tunc graſſantibus interrogato; pauciſque inde de variâ curandi Methodo diſputatis; ad Medicinam ſenſim labi ſermo, inque Artis ipſius præmiis & honoribus, Collegiique præcipuè Londinenſis famâ & celebritate totus verſari cœpit.

Tum ego ; quàm vero, inquam, diverſa eſt apud nos rei Medicæ facies, ac Romæ olim fuit, ubi ignobilis per tot ſecula, atque abjecta Ars ipſa jacuit, non niſi à Servis atque extremæ ſortis hominibus tractata ; quamque tanquam illiberalem ac Cive prorſus indignam, de Romanis quidem nemo attingere ſit dignatus ? Hìc autem Medicus noſter ſubridens, haud credidiſſe ſe, inquit, priſca illa, ac obſoleta planè quorundam commenta fidem adhuc apud ullos invenire ; quæ ſæpius confutata, doctorum plerique tanquam vana & futilia jam diu repudiaſſent ; quæque *Meadius* ipſe, Medicorum longe Princeps, oratione quadam Londini haud dudum habitâ, mera eſſe opprobia demonſtraverat, omnemque illam ſervitutis infamiam à *Medicis* prorſus in *Chirurgos* amoverat.

Ego vero, Meadii licet Autoritate gravitèr commotus, cujus quidem Orationem necdum, videram, ne tamen quæ dixeram, temerè planè, nulloque Auctore effutiſſe viderer, haud deſtiti alia ſane multa in eandem ſententiam diſſerere, & nonnulla Veterum teſtimonia, quæ memoriæ tunc ſuppetebant, plura etiam ex ſchedulis pollicitus, ad cauſam, quam ſuſceperam, confirmandam adducere : neque dicere dubitavi, *Meadium* ipſum duplicitèr planè labi videri ; primùm, quòd *Medicos olim Romæ liberos eſſe & ingenuos* ; deinde, quod *Chirurgos à cæteris Medicis diſtingui* omnino & *ſegregari* putaret ; cum Utroſque

que communi cum nomine, tum conditione apud Veteres Romanos uſos ſemper eſſe certiſſimum eſſet.

Producta adeo paulatim hac noſtrâ diſputatione, & familiaritèr admodum, ut inter Amicos, ultro citroque pluribus verbis agitatâ ; interfatus demum *Juris Civilis Profeſſor Regius*, Vir ſummâ modeſtiâ, parique eruditione ; mihi ſe planè aſſentire dixit ; propterea quod apud Veteres Juriſperitos in *Servorum familiis Medicos ſemper recenſeri* animadvertiſſet ; [*a*] quibus tamen is honos habitus ; ut in *Servis familiam ducerent* ; ac in Mancipiorum venditionibus cæteris omnibus *pluris æſtimarentur*. *Chirurgos* autem quod attinebat ; haud credere ſe, a *reliquis Medicis* antiquitùs eos ſejungi ; at contra ; quaſi ii potius pro Medicis ſoli eſſent habendi ; non meminiſſe aliam in Jure Civili Medicorum fieri mentionem [*b*], ac eorum, qui *manu curare*, ſeu *ſecare* conſueverint.

Bakerus denique noſter, qui colloquiis hiſce noſtris, non intereſſe ſolum, ſed pro illa, qua præſtat omnibus, Antiquitatis cognitione, præ-

[*a*] Servis autem & Ancillis majoribus decem annis, ſi ſine arte ſint, viginti ſolidis æſtimandis ; ſin autem Artifices, ad triginta ſolidos æſtimatione eorum procedente. Notarios quinquaginta ſolidos æſtimari, Medicos autem & Obſtetrices ſexaginta. l. 3. Cod. Commun. de legat. &c.

[*b*] Si Medicus Servum imperitè ſecuerit, vel ex locato, vel ex lege Aquiliâ competere Actionem. l. 7. §. f. ad leg. Aquil.

esse etiam solebat; cum opinioni meæ, suæ etiam sententiæ pondus, tanquam cumulum quendam adjeciſſet; tum instare omnes; ut hanc totam quæstionem, levitèr jam ac fortuitò inchoatam, accuratiùs ipse tractandam atque ad finem perducendam susciperem; quæque memoritèr tunc disputaram, quæque ex schedulis plura promiseram, in ordinem, quam primùm per otium liceret, redigerem, atque alio aliquo conventu nostro recitanda proponerem. Horum itaque Autoritati obsecutus, ea omnia, quæ ad hanc causam pertinere, totamque complecti videntur, collegi statim, atque in hanc, quæ sequitur, perpetuæ dissertationis formam conjeci.

Apud veteres Romanos Medendi artem non solum minùs excultam, sed ne cognitam quidem esse, ex Monumentorum omnium silentio suspicari fas est. Cum enim alia omnia, quæ ad vitam, cultumque civilem pertinent, accurate legibus descripta, atque egregie sint constituta; nihil tamen in omni Civitatis temperatione, de Medicina unquam, vel à Regibus, vel à Consulibus institutum, aut præceptum reperitur: Nec per plura deinceps ab Urbe condita secula, ullius unquam Medici fama, nomenve memoriæ traditur; vel artis quidem ipsius ulla ferè à Scriptoribus fit mentio. Neque mirum sane raram ibi rei fieri mentionem, cujus rarum fuisse usum necesse sit; apud homines scilicet, summa temperantia educatos, summisque laboribus exercitatos; quorum valetudini,

dini, uti ait *Valerius Maximus* [a], quaſi *quædam mater erat frugalitas, inimica luxurioſis epulis.* Eadem quippe cauſa, nimirùm vitæ victûſque tenuitas, Urbem & Medicis & Morbis ſimul vacuam ſervabat; dum *illos* nec præmiis, nec quæſtûs ſpe ulla allicere paupertas civium valebat; atque *his* parca illa vivendi ratio omnem quaſi materiam præcidens, medendi planè uſui ſuperſedebat. Nobilium interea plerique valetudinis tuendæ diſciplinam quandam in ſuâ quiſque familiâ inſtituiſſe videntur, ut *Cato Senior* apud Plutarchum [b], cum magno Medicorum omnium contemptu, gloriatur, ſe oleribus, carnibuſque ad concoquendum facilioribus, ſuam ſuorumque valetudinem conſervare ſolere.

In hoc rerum ſtatu Rempublicam ſine Medicis ad ſexcenteſimum uſque annum floruiſſe narrat [c] Plinius; qui tamen haud ita accipiendus eſt, quaſi neminem omnino per tot ſecula Medicinæ operam dediſſe aſſeruiſſet; quum Medicos, qualeſcunque tandem ii fuerint, diu ante Romæ extitiſſe, & multi Auctores ſint [d], & ipſe quidem *Arcagathum* quendam artem ibi

[a] Lib. 2. c. 5. [b] In vita Cat.

[c] Hiſt. Nat. l. 29. c. 1.

[d] Peſte Romæ circiter annum 301. graſſante, Medicos ægris curandis non ſufficere meminit Dion. Halicarnit. Plaut. Rud. 5. 3.

G R. Quid tu, num Medicus quæſo es?

L A. Immo edepol una litera plus ſum; quam Medicus. G R. Tum tu Mendicus es.

antea

antea exercuiſſe meminit [*e*] : itaque hoc ſolum ſignificaſſe intelligendus eſt ; nullum illis temporibus Romanos habuiſſe Medicum, qui artis peritiâ, vel nominis famâ inclaruerit ; artemque ipſam interea jacuiſſe penitùs, nullo loco aut honore habitam, nec niſi à Servis & extremæ ſortis hominibus adminiſtratam : quos fere omnes à Græcis, (qui magnam Italiæ partem, Siciliamque tunc omnem tenebant) aut bello captos, aut pretio emptos, aut fugitivos denique eſſe veriſimile eſt : quum in Græcia Medicorum ſervulos, dominos confectando [*f*], ægroſque ſimul obeundo, Medendi ſæpe artem didiciſſe, atque exercuiſſe certiſſimum eſt.

Horum autem nonnulli libertatem tandem, ſeu Dominorum gratiâ promerenda, ſeu pretio dato adepti, officinas plerumque ad operam ſuam, artiſque inſtrumenta publicè vendenda conducere ſolebant, quas *Medicinas* Plautus vocat [*g*] ; quaſque perinde ac tonſtrinas, conciliis, cœtibuſque otioſorum frequentari ſolitas docet. Servos enim ex pecunia illa, quam de demenſo ſuo parcendo, geniumque defraudando corradere ſæpe ſolebant, libertatem haud rarò emiſſe conſtat [*h*] : qui verò artem ullam habe-

[*e*] Ibid.

[*f*] Κατ' ἐπίταξιν τῶν δεσποτῶν καὶ θεωρίαν καὶ κατ' ἐμπειρίαν τὴν τέχνην κλῶνται ὑπηρέται τῶν Ἰατρῶν. Plato l. 4. 834.

[*g*] Amphit. 4. 1.

[*h*] Plaut. Rud. 4. 2. It. Senec. Ep. 80.

bant,

bant, omnium certè facillime peculium ſibi, lucrumque quoddam adventitium, Dominorum conceſſu, ad emendam libertatem conficere poterant : quod Medicis præcipuè accidiſſe, dum eos tamen inter infimos hominum recenſet, indicare videtur Seneca [*a*] : qui divitias in bonis nequaquam eſſe numerandas contendit, propterea quod ejuſmodi bona *in Arte medendi humillimis quibuſque* contingere videmus.

Quum verò Græcia tandem, & Aſia ſubactæ, Imperioque adjectæ eſſent ; tum luxu inde omnia, deliciiſque Romæ diffluere ; Græcorumque artes in Urbem introductæ priſcam illam vitæ diſciplinam ſimplicitatemque omnem corrumpere ; Principeſque viri tum primùm Græculos undique ſervos, artibus inſtructos, & Medicinæ præcipuè peritos, qui et valetudini & luxuriæ ſimul miniſtrarent, conquirere ſibi ac omni ſtudio coemere cœperunt : neque Procerum poſthac Divitumve domus ulla *Medicis Servis* vel pluribus vel ſingulis ad minimum caruiſſe videtur ; quorum deinceps in manibus Medendi Ars, ac provincia ferè omnis verſata eſt. Medicorumque adeò numerus dum in Urbe magis indies creſcebat, rarò tamen adhuc de Medicina ipſa, ejuſve Profeſſoribus, tanquam de re humili & abjecta nimis, apud Auctores mentio occurrit : neque præter *unum Arcagathum* cuivis unquam Medico ante J. Cæſaris æta-

[*a*] Senec. 85.

tem,

tem, jus Civitatis datum reperio : primuſque, ut opinor, circum idem tempus *Aſclepiades quidam*, Medendi arte celebris fuit ; qui cum Rhetor primò fuiſſet [*a*] nec remedia noſſet, quum Rhetoricam tamen ſibi minus quæſtuoſam inveniſſet, ut ſagaci erat ingenio, ad Medicinam ſe convertit, ac famam inde magnam atque autoritatem adeptus, in Ciceronis deinceps amicitiam & familiaritatem [*b*] eſt receptus.

Romæ interea tanto ſemper in dedecore ars tota jacuit, ut *ſolam eam Græcarum artium*, magno licet fructu propoſito, *Romani gravitate ſuâ indignam* [*c*] judicarint ; *pauciſſimique illi Quiritium*, qui quæſtu vix tandem allecti, eam non niſi ſero attigerint, tanquam *ad Græcos transfugæ* habebantur. Apud illos bellicæ virtutis laus & ſplendor primum ſemper locum obtinuiſſe, primamque ad gloriam commendationem præbuiſſe videtur ; qui vero in toga potius, foroque verſari, & pacatiora ſequi ſtudia maluerunt, *alii*, ut ait Cicero [*d*], *ſe ad Philoſophiam* ; *alii ad jus Civile*, *alii ad eloquentiam applicuerunt*. Hiſce ſe Artibus ingenuus quiſque exercuit ; hiſce ſolis viam ſibi ad opes, famam, honores patefecit : quem vero unquam Romanorum ad Medicinam ſeſe applicuiſſe, quemve Civem ex eo ſtudio laudem & gloriam

[*a*] Plin. Hiſt. Nat. l. 25. it. 26. 3.
[*b*] Cic. de Orat. l. 1. 14.
[*c*] Plin lib. 29. 1. [*d*] De Offic. 1. 32.

repor-

reportaſſe legimus ? quod tamen *ordini, cui convenit* (ſervis utique & libertis) *honeſtum eſſe, Cicero ipſe* agnoſcit [*a*]. Neque mirum ſane, veteres illos, qui liberalium Artium tractationem ad ſervos minimè pertinere arbitrabantur [*b*], atque ab iis prorſus ſtudiis, quibus ipſi dare operam ſolebant, ſervos legibus arcebant [*c*], Medendi Artem a ſervis omnino occupatam, atque adminiſtratam, tanquam *illiberalem* ac *ſordidam* rejeciſſe.

Haud tamen negandum eſt, quin cum ſervulis hiſce Medicinam exercentibus, alii quoque ſeſe conjunxerint *Græculi eſurientes*, qui quæſtûs cauſâ e Græcia Romam effluxerint, liberæ fortaſſe, ſed humilis certe atque abjectæ conditionis ; quippe gens illa omnis tanto Romæ in contemptu habita eſt, ut nomen ipſum *Græcus* [*d*], tanquam contumelioſum quiddam & opprobrii plenum, jactitare plebs atque in ore habere ſolebat : Hos vero omnes J. Cæſar [*e*], ut *Urbi bellis Civilibus exhauſtæ frequentiam priſtinam redderet, Civitate donavit.* Atque hæc prima Medicis ad honores janua patefacta ; hoc primum iis dignitatis fundamentum jactum vide-

[*a*] Ibid. 42.

[*b*] Οὐ χρὴ ποτ' ἄνδρα δοῦλον ὄντ' ἐλευθέρας γνώμας διώκειν· Eurip. Antiop.

[*c*] Servum hominem cauſas orare leges non ſinunt. Ter. Pher.

[*d*] Plutarc. in vita Ciceron. p. 863.

[*e*] Sueton. J. Cæſ. c. 42.

tur ;

tur; qui apud alios deinceps Principes gratiâ ſæpe valentes, opibuſque inde & variis immunitatibus aucti, ex ſervili atque ignobili ſtatu, ad honeſtum tandem; atque ex tenebris illis & obſcuritate in lucem paulatim & ſplendorem quendam evaſerunt. Artem autem ipſam, magnis licet privilegiis munitam poſthac atque ornatam, vix unquam tamen, ut mihi videtur, inter liberales cenſeri; contra vero; apud Juriſperitos a Studiis [a] liberalibus diſtingui ſemper & ſejungi reperio.

Atque hæc jam, quæ de Medicis Romæ degentibus expoſui, non conjecturâ modò probabilia, ſed vera omnia ac certa plane eſſe, ex conſtanti Auctorum omnium fide comprobari facilè poteſt: Quamvis enim, ut ſupra dixi, per prima illa ab Urbis ortu ſecula, altum quaſi de re tota ſit ſilentium; ex conſequentium tamen ſeculorum Scriptoribus plurima, nec illa quidem obſcura, ſuppetunt teſtimonia, quæ ſententiam meam prorſus confirmant; neque cuiquam certe dubium erit, quænam in priſca illa Urbis & Civium paupertate Medicorum fuerit conditio; cum florente jam, opibuſque omnibus affluente Republica, ignobilem eam,

[a] Sed etſi Salarium alicui Decuriones decreverint; ut puta, ſi ob liberalem artem fuerit conſtitutum, vel ob Medicinam. l. 4. de Decret. ab ordin. faciend. it. exceptis, qui liberalium Studiorum Antiſtites, ſunt, & qui medendi curâ funguntur. l. 1. Cod. de Decret. Decur.

ſervi-

ſervilemque plane fuiſſe apparuerit: ad rem itaque probandam accedamus.

Pervulgata quidem eſt illa de *L. Domitio* Hiſtoria [*a*]; quem Corfinio capto, ne in Cæſaris poteſtatem veniret, *Medico ſervo* ſuo imperaſſe legimus, ut venenum ſibi daret: expertum tamen Victoris clementiam, *Medicum* ſtatim *manumiſiſſe*, quod prudens minùs noxium temperaſſet. Cleanthem quendam, Catonis *Medicum & Libertum*, Domini manum obligâſſe [*b*], atque inteſtina moribundo repoſuiſſe, vulnuſque conſuiſſe Plutarchus narrat: Auguſtus magna quadam annonæ caritate, ſervitiorum partem, exceptis *Medicis & Præceptoribus*, ex Urbe expuliſſe à Suetonio dicitur [*c*]: exſtatque ejuſdem Principis epiſtola, ad *Agrippinam neptem* his verbis ſcripta [*d*]: *Mitto præterea cum eo ex ſervis meis Medicum, quem ſcripſi Germanico, ſi vellet, retineret.* *Antonium* etiam *Muſam* (quem liberum Sponius [*e*] ingenuumque fuiſſe exiſtimat) Medicorum fere omnium celeberrimum, *Annulo aureo* & *Statuâ æreâ* publice donatum; Auguſti tamen *Servum & Libertum* deinde fuiſſe ex *Dione* diſcimus [*f*]. Primus ille *Muſa*

[*a*] Sueton. Nero, c. 2. Plut. in Vit. Cæſ. 724.
[*b*] In vita Cat. [*c*] In Aug. c. 42.
[*d*] Id. Calig. c. 8.
[*e*] Spon. Recherches curi d'Antiquitè Diſſert. 27.
[*f*] ἦν γὰρ ἀπελεύθερος. Dio ex Edit. H. Steph. p. 73.

Bal-

Balneorum uſum improbaſſe, & frigidâ omnino ægros demerſiſſe dicitur ; eandemque hanc valetudinis tuendæ rationem ab eo ſibi præſcriptam meminit Horatius [*a*].

Apud Juriſperitos etiam, multæ ſæpe occurrunt de *Medicis*, tum *Servis*, tum *Libertis* propoſitæ quæſtiones. *Medicus libertus quod putaret, ſi liberti ſui Medicinam non facerent, multo plures imperantes ſibi habiturum*, poſtulabat, ut ſequerentur ſe, neque opus facerent. Id jus necne [*b*] ? ubi ex voce illa, *imperantes*, abjectæ Medicorum conditionis indicium quoddam elicere poſſumus ; quum *Medico imperare* à Veteribus dici ſolere videtur pro Medicum adhibere, ſeu advocare : Sed non opus eſt plura Auctorum teſtimonia colligere, remque ſatis claram auctoritatibus onerare, quæ magna ſane copia ſuppetunt ; extant & Marmorum antiquorum Inſcriptiones bene multæ, ad hanc ipſam quæſtionem pertinentes, quarum paucas modo, ad Argumentum meum pleniùs illuſtrandum, ex Grutero apponendas duxi.

[*a*] Epiſt. l. 1. 15.

Nam mihi Baias
Muſa ſupervacuas Antonius & tamen illis
Me facit inviſum, gelida quum perluor unda
Per medium frigus.

[*b*] Lib. 26. Princip. de oper. libert.

CHRESTE.

	Θ. K.
	T. AIΛIOC
CHRESTE. CONSERVAE	ACKΛΗΠΙΑΔΗC
ET. CONIVGI	CЄBACTOY
CELADVS. ANTON.	ΛΙΗЄΛЄΥΘЄΡOC
DRVSI. MEDICVS	IATPOC
CHIRURG.	ΛOYΔ. MAT.
&c. 581.	XЄIP.
	335.
EROS	M. RVFRIVS. M. L.
AVGVSTAE	FAVSTVS. MEDICVS
MEDICVS 581.	I.m.I VIR AVG.
SPOSIANVS.	464.

EVTYCHVS. AVG. LIB. NERONIANVS. MEDICVS. LVDI. MATUTINI 335.

Talibus monumentorum veterum, atque Auctorum confirmata teſtimoniis, conſtans ſemper de ſervili apud Romanos Medicorum conditione opinio invaluit: primus eam, ut opinor, in dubium vocare conatus eſt Iſ. Caſaubonus, in Animadverſionibus ſuis in Suetonium.

Sponius deinde, Antiquitatis quidem ipſe ſcientiâ excellens, Medicus tamen, artique ſuæ nimium favens, opinionem hanc tanquam *vanum quoddam Robertelli commentum* irridet [*a*], omnemque ſervitutis indignitatem, a *Medicis* in *Chirurgos* atque *Ocularios* ridicule ſatis transferre conatur. Meadius denique noſter, Sponium

[*a*] Spon. Recherches Curieuſes d'Antiq. 27. It. Miſcellanea. Erudit. Antiq. Sect. 4. p. 141.

omnino ſequens, magnificentiùs tamen, & glorioſiùs omnia de Arte ſua prædicat. Caſaubonus enim Medicos licet non omnes, at pleroſque tamen e Servorum numero, neque ullos quidem Romanos, ſed Græcos plane omnes fuiſſe fatetur: Sponius in hoc præcipue elaborat, ut a Servis ad proximum Libertinorum ordinem medendi artem evehat, atque uno quaſi gradu altiorem ponat: Meadius autem nihil omnino ſervile, nec humile quidem Medicis aſcribi patitur [*a*]; ſed in libertatem omnes, ac ingenuitatem ſimul aſſerit; Chirurgos ſolummodo, tanquam ſervile pecus, atque extremæ ſortis homines, libere nobis lacerandos propinans. Sed quibus tandem Argumentis hi tanti viri ad probandum utuntur, operæ pretium erit conſiderare.

Caſaubonus quum animadvertiſſet *Medicum* quendam [*b*] quem *J. Cæſar* a prædonibus captus, ſecum habuiſſe a *Suetonio* dicitur, *amicum Cæſaris a Plutarcho* [*c*] appellari; alioſque itidem Artem illam profitentes Principum Virorum amicitâ nonnunquam ac familiaritate uſos eſſe; ejuſmodi homines, quibus tantus honos habitus eſſet, *Servos* fuiſſe ſuſpicari, tanquam ridiculum creditque abſurdum arguit: hoc cum ille, tum poſt eum Sponius, argumento

[*a*] Mead. Oratio Harveian. p. 8.
[*b*] Animadverſ. in Sueton. p. 8.
[*c*] In vita J. Cæſ.

maxi-

maximè utitur. Sed miror non animum attendisse Viros doctissimos, *amicorum cohortes* in plures gradus & ordines à Magnatibus segregari solere [*a*] ; ut Lampridius de Alexandro Severo loquens, *tantæ eum moderationis fuisse scribit*, [*b*] ut *amicos non solum primi & secundi loci, sed etiam inferioris, ægrotantes viseret.* Neque mirum videri debet, non modo Libertinos sed & Servos etiam, in *inferiorum Ordinum amicis* interdum numerari ; cum meminerimus, quam benignè quamque familiariter istius sortis homines, qui fide & ingenio præstarent, vel à Principibus Viris tractari essent soliti.

Brutus ad Ciceronem scribens [*c*], *Glyconem*, inquit, *Medicum Pansæ diligentissimè tibi commendo ; audimus eum venisse in suspicionem de morte Pansæ, custodirique ut Parricidam ; nihil minùs credendum ; est modestus homo & frugi—rogo te & quidem valde rogo*, &c. quis jam Medicum illum, Bruto tantopere carum & familiarem, *amicum Bruti* vocare dubitaret, qui tamen *Pansæ Cos. Servus*, aut saltem *Libertus* erat ? Ciceroni autem ipsi nihil unquam *Servo suo Tirone* dulcius aut carius fuisse, epistolæ suæ ad eum missæ satis declarant : ob cujus tandem manumissionem gratias ei per li-

[*a*] Consuetudo ista vetus Regibus, Rgeseque simulantibus populum amicorum describere : apud nos primi omnium C. Gracchus, & mox Livius Drusus instituerunt segregare turbam suam, &c. Senec. de Ben. l. 6. 33. It. de Clemen. 1. 10. It. Sueton. Tiber. c. 46.

[*b*] c. 20. [*c*] Epist. ad Cic. 6.

teras Q. Cicero frater agens [a], *Gratiſſimum*, inquit, *mihi feciſti, cum eum indignum illa fortunâ, nobis Amicum, quàm Servum eſſe maluiſti:* tanquam nihil aliud eſſet Manumiſſio, quàm è ſervitute in amicitiam Domini tranſitus: hoc autem Medicis præcipuè & Præceptoribus contigiſſe, ut in *Amicos facilè tranſirent* teſtatur Seneca; [b] quibus ſcilicet Artes ipſæ, quas profitentur, Dominorum gratiæ promerendæ hominibuſque beneficio obligandis omnium maximè ſint opportunæ. Sed quid tandem ad amorem Domini erga ſervum ſignificandum gravius eſſe poteſt, quam Inſcriptio publicè dicata? hujuſmodi autem vetuſtam quandam exhibet *Turrius*, [c] Aquileiæ repertam, quam ſummus, uti videtur, Coloniæ Magiſtratus *Servo ſuo Medico* poſuiſſet.

PHAEBIANO
SER.
MEDICO
FABIANUS
COS.

Hanc *Inſcriptionem*, inquit Auctor celeberrimus, *ægris oculis vidiſſet Sponius, qui à Servorum abjectâ conditione Medicos vindicare conatus eſt.* In notiſſimâ denique illâ de Pyrrho Rege

[a] Cic. Ep. fam ad Tiron. 6.
[b] De Ben. l. 6. 26.
[c] Philip. a Turre Monumen. Vet. Antij. p. 361.

hiſtoriâ;

hiſtoriâ ; hominem illum, qui Fabricio Conſuli, ſi de pretio conveniret, veneno Regem necare promiſit, *Medicum* Plutarchus [*a*] ; *Animum* Gellius [*b*] ; *Famulum* autem *Regis* Claudianus vocat [*c*] : quæ tamen omnia tum inter ſe conſentire, tum ſententiam meam confirmare, ex ſupra dictis facilè patere arbitror.

Sponium quod attinet ; multum ille quidem ſeſe efferre atque exultare videtur, quod Medicorum unus aut alter *Ciceronis, Cæſariſvè Amicus* eſſet nominatus : quod quam leve totum ſit, ac futile, nihil neceſſe eſt pluribus oſtendere. Ut vero diligens admodum erat Antiquitatis omnis Inveſtigator ; in Monumentis tamen veterum perſcrutandis idem ille quidem facere videtur, quod ii omnes ſolent, qui certis quibuſdam deſtinatiſque ſententiis ſeſe addixerint ; ea videlicet, quæ opinionibus ſuis præjudicatis favere quoquo modo credant, rapere undique & in partes ſuas torquere, alia verò omnia negligere facilè aut celare. Sed ut Argumentationis ejus vim omnem complecti facilius, & comprehendere queamus ; inſcriptionum quarundam veterum, quibus præcipuè cauſam ſuam evincere, contrariamque refellere conatur, maximam partem huc quoque transferendam curavi.

[*a*] In vita Pyrrhi p. 396. [*b*] Noct. Att. 3. 8.
[*c*] De Bello Gild. 271.

I.

M. LATINIVS
MEDICVS
OCVLARIVS.

II.

M. ALLIVS. PAMPHILVS
MEICVS.
&c.

III.

C. CALPVRNIVS. ASCLEPIADES
PRVSA. AD. OLYMPVM. MEDICVS
PARENTIBVS. ET. SIBI. ET. FRATRIB.
CIVITATES. VII. A. DIVO. TRAIANO
IMPETRAVIT. &c.

IV.

ILLVSTRIVS. TI. CAESARIS.
AVG. SER. CELADIANUS
MEDICVS. OCVLARIVS.

V.

M. FONTEIVS
NICANDER
MEDICVS.

VI.

L. ANNIVS. CASSIVS. MITHR
ADORVS. MEDICVS. &c.

VII.

VII.

L. ARRVNTIO
SEMPRONIANO
ASCLEPIADI
IMP. DOMITIANI
MEDICO. &c.

VIII.

TI. CLAVDIVS. IVLIANVS
MEDICVS. CLINICVS. COH. IIII.
PR. FECIT. VIVOS. SIBI. ET.
TVLLIE. EPIGONE. CONIVGI.
LIBERTIS. LIBERTABVSQ;
CLAVDIIS. &c.

IX.

P. CHARM.
SOSTHE.
MEDIC.
IIIIII. VIR. AVG.

Hiſce *pauculis Inſcriptionibus*, inquit Sponius, [a] *deſtrui poteſt ridiculum Robortelli commentum*; *qui aſſeruit*, *Romæ tantum ſervos Medicinam exercuiſſe. Etiamſi etenim in Inſcriptione*, *Illuſtrius Tib. Cæſaris ſervus fuerit Medicus*; *obſervandum eſt*, *addi Ocularius*; *ſicque potiùs Chirurgum quàm Medicum*; *fuiſſe.*

[a] Miſcell. Erud. Antiq. p. 144.

At in aliis lapidibus Medici ſoli ingenui, aut liberti, &c. *quorum ultimus vero, præterquam ingenuus fuit, ſextumviratûs dignitate ornatus obſervatur.*

De primâ autem illâ inſcriptione, *literas*, M. L; quæ Latinii nomen ſequi debuiſſent, *libertinam* videlicet ejus conditionem indicantes, a Sponio detractas eſſe, vir doctus *Malvaſia* oſtendit [*a*]. Secundam quod attinet; Amicus meus *Juſtus Fontaninus*, Romanæ Eccleſiæ Præſul, vir omni literarum genere præſtantiſſimus, ſcriptiſque in lucem editis meritò celeberrimus, in libro ſuo de Antiquitatibus Hortæ (quem inter alia plurima amicitiæ & benevolentiæ ſuæ pignora ab eo Romæ dono accepi) diverſo planè modo eam nobis exhibet; videlicet, MALLIVS PAM. &c. Nulla interpunctionis notulâ ad prænomen diſtinguendum adhibitâ: atque ex eo Pamphilum illum è *ſervorum grege* fuiſſe, necdum libertate donatum contendit; propterea quod prænomine, quo cives omnes utebantur, careret: [*b*] Sponiumque deinde levitèr reprehendit, quod ultra quam par ſit, Robortelli opinionem irrideat.

De Aſclepiade autem Medico proximè memorato, quam puerilia & inepta omnia protulit Sponius? [*c*] Qui inſcriptionem ipſam in Galli-

[*a*] Marmora Felſin, Sect. 5. c. 1.
[*b*] Cap. 9. p. 166. [*c*] Diſſer. 27. p. 431.

cum

cum ſermonem vertens, *ſeptem Urbium Dominium & Principatum* ab Imperatore Trajano eum obtinuiſſe aſſerit: Neque Meadius deinde hunc tantum virum, ſeu Principem potius, *totque Civitatum donationem*, in Artis ſuæ gloriam commemorare omiſit. [*a*] Sed quid tandem, ſi Diis placet, hæc tam magnifica ſibi velint? Reineſius enim, Auctor quidem ille gravis, Medicuſque celebris, (unde ipſam etiam inſcriptionem tranſtulerat Sponius) nihil aliud *Aſclepiadem* huncce fuiſſe dicit, [*b*] quàm *ſervum è Calpurnia Familiâ* manumiſſum, qui Trajani favore *Civis privilegia & immunitatem*, non ſolum Romæ, ſed in ſex aliis Græciæ & Aſiæ Civitatibus ſibi, ſuiſque impetraverat: Nec quicquam ſane ampliùs inſcriptionis ipſius verbis ſignificari certiſſimum eſt; quippe *ſeptem Urbium Dominatus* ab optimo & prudentiſſimo Principe *Mædico Græculo* donatus, non ſolùm incredibile quiddam videtur, ſed à ſcriptoribus omnibus ſilentio præteriri nullo modo poterat.

Cæteros autem Medicos in reliquis illis lapidibus nominatos, quis unquam ſanus ingenuos, ut ille, atque ex familiis quarum nomina præ ſe ferunt, oriundos credere poteſt? quidni potius ſervos omnes fuiſſe exiſtimemus, qui manumiſſi poſtea, *Dominorum* ſibi *nomina*, & *prænomina* pro more aſſumſerant?

[*a*] Orat. Harv. p. 9.
[*b*] Syntag. Inſcript Antiq. Claſſ. 11. 4.

Ver-

Verterat hunc Dominus momento turbinus, exit Marcus, Dama, &c.—Perſ. Sat. 5. 78.

Hoc ſanè de *Claudio illo Juliano* quam maximè eſt probabile : non tam propter conjugem Græcam *Epigonem*, quam quod *Claudiæ familiæ*, è quâ ipſe manumiſſus eſſet, *libertis*, *libertabuſque* commune Sepulchrum poſuiſſe videtur. Sin quod minùs eſt veriſimile, liberos eos eſſe concedamus ; Romani tamen eſſe non poterant ; ſed ex Græculis iſtis, qui ab Imperatoribus Civitate donati, Magnorumque in clientelam recepti, Romana deinceps nomina uſurparunt ; retento tamen plerumque atque adjecto veteri Græco : Quales proculdubio (ſi non ſervi potiùs ſint exiſtimandi) *Caſſium*, *Fonteium*, *Arruntium* fuiſſe ex ipſis inſcriptionibus ſatis apparet.

Sextum viratum denique *Auguſtalem* quod attinet ; quem Medicus ille Charmes in inſcriptione geſſiſſe dicitur : errat planè Vir Eruditus, quod non niſi ad *Ingenuos Nobileſque* deferri eum exiſtimaverit ; [*a*] quum & Libertinis præcipuè, ſeu ſemper potiùs delatum fuiſſe multæ aliæ inſcriptiones declarant : quarum quidem una ipſam pecuniæ ſummam memorat, quam *Medicus Servus* pro libertate ; quamque *libertus* deinde pro *Seviratu* in Rempublicam dediſſet [*b*].

P. DE-

[*a*] Diſſert. 27. p. 435.

[*b*] Seviratus hicce Auguſtalis, quale tandem Munus fuerit,

P. DECIMVS. P. L. EROS.
MERVLA. MEDICVS.
CLINICVS CHIRVRGVS
OCVLARIVS. VI. VIR.
HIC. PRO. LIBERTATE. DEDIT. H. S. I,,,
HIC. PRO. SEVIRATV. IN. REMP.
DEDIT. H. S. ∞, ∞.
Hier. Mercurial. Var. Lect. l. 3.

Sponius autem, dum Medicorum veterum conditionem liberam ac ingenuam probare ſtudet, evertit planè, ut mihi videtur, quod tanto opere aſtruere laborat, cum è *Libertinorum* tandem familiâ maximam eorum partem exiiſſe fa-

fuerit, ſive Sacerdotium, ſive magiſtratus quidam in municipiis, haud inter Eruditos conſtat; ex Tacito [Ann. 1. 54. 1.] & Suetonio [Claud. c. 6.] diſcimus, poſt mortem Auguſti Sacerdotium quoddam in honorem Juliæ Gentis a Tiberio eſſe inſtitutum; in quod ſorte deligebantur Primores Civitatis, unus & viginti, *Sodalium Auguſtalium* nomine, qui ſacris, ludiſque in Cæſarum defunctorum honorem conſtitutis præfuerunt; quibus poſtea extra ordinem adjecti Tiberius, Druſus, Claudius, Germanicus. Hujus Sodalitatis ad ſimilitudinem, rebuſque ut opinor, iiſdem procurandis, *Seviratus Auguſtalis* in Coloniis & Municipiis creatus videtur: Ordo quidem inter Decurionnes & plebem medius; ut ex Veteribus marmoribus patet. Honorem ipſum pecuniâ plerumque emptum; nonnunquam tamen à Decurionibus ob merita gratuito datum; nec tamen perpetuum fuiſſe, ſed quinquennale & repetitum interdum ex Inſcriptionibus antiquis colligitur.

tem

teri cogatur: quid enim tantum intereſt, *Servine* Medendi Artem exercuerint an *Liberti?* quum hos etiam in ſervitute illam cum didiciſſe, tum exercuiſſe neceſſe ſit: *Servos* autem *frugi* & *diligentes* (atque ut ex ſupra dictis conjicere licet, omnium maxime Medicos) haud *quinquennio diutiùs ſervire,* ſed in libertatem deinde emitti ſolere, *ex Cicerone* colligere poſſumus: [*a*] atque hinc *Medicorum Libertorum,* quorum nomina toties occurrunt, tantus numerus effluxit: qui quidem etſi *liberi* dici poſſint, (quum tamen non omnes fortaſſe juſtâ libertate fruebantur) at *Ingenui* certè nunquam exiſtimabantur: contra verò; *Libertinos* atque *Ingenuos*, tanquam contrariæ ſortis homines, ſibi invicem oppoſitos ſemper ab Auctoribus invenimus, *Hominibus,* inquit Seneca, [*b*] *prodeſſe Natura jubet, Servi, Liberive ſint; Ingenui an Libertini.* Narratque Suetonius, [*c*] Auguſtum *neminem unquam Libertinorum cœnæ adhibuiſſe,* excepto Mena, (S. Pompeii Liberto) *ſed aſſerto prius in Ingenuitatem.*

Sed ad Meadium tandem noſtrum veniamus, qui in hac quæſtione tractandâ, [*d*] in id unum totus incumbit, ut inuſtam *Medicis* ſervitutis infamiam in *Chirurgos* penitùs removeat; *Illos* Romæ ſemper ſplendidos, honoribuſque auctos;

[*a*] Orat. Philip. 8. 11.
[*b*] De Vita Beat. c. 24.
[*c*] Aug. c. 74. [*d*] Orat. Harv. p. 8.

Hos

Hos tantummodò ignobiles, abjectos, ſerviles eſſe contendens: Utrique autem cum *Medici* à Veteribus appellabantur, inde errorem hunc omnem naſci innuit, quod quos eodem nomine appellatos Viri docti obſervaſſent, eâdem etiam vitæ conditione uſos crederent. Sed parum ei felicitèr in re probandâ ſucceſſit: ex omnibus enim, quos enumerat Medicis, duos tantùm profert, de quorum conditione certi aliquid ac indubitati memoriæ proditur; *Arcagathum* ſcilicet, & *Antonium Muſam:* quorum ille quidem liber & Civitate donatus, ſed *Chirurgus* certè, ſeu ut *Plinius*, eum vocat, [*a*] *Medicus Vulnerarius*; Hic autem, *Medicus* planè ſummus, ſummiſque honoribus ornatus, *Auguſti* tamen ut ſupra dixi, *Servus* & *Libertus* fuit: de reliquis illis, quorum *Romana* quidem nomina adducit, *Caſſiis*, *Calpetanis*, *Arruntiis*, &c. quid conſtituendum ſit, ex ſupra memoratis facilè judicabimus: quos ſi Cives ipſe, ingenuoſque omnes fuiſſe, cum Sponio credere poteſt; haud tamen aliis perſuadere credat; *Nobiles* unquam *Romanos* Artem illam exercuiſſe, quam vel *infimus* quiſque *gravitate ſuâ indignam* arbitrabatur; quamque *nullus omnino Quiritium*, niſi ſerò admodum, nec ut *Clericus ipſe* fatetur, ante Cæſarum ætatem unquam attigit.

Obſervat autem Vir Celeberrimus, in Nummo quodam *Rubriæ Familiæ*, *Anguem Deæ*

[*a*] Hiſt. Nat. l. 29. 1.

Salu-

Salutis Simbolum conſpici, quem ad florentem tunc in ea familia Medicinæ laudem referri omnino oportere cenſet [*a*] : miraturque Patinum & Vaillant, Medicos quidem ambos, in Nummis Familiarum Romanarum explicandis, *rem Arti ſuæ tam honorificam* prætermiſiſſe : at in aliis etiam Nummis Conſularibus, quos ipſe quoque exhibet [*b*], Uno ſcilicet *Juniæ*, altero *Aciliæ Familiæ*, ipſa *Deæ Salutis* imago expreſſa cernitur : num Medici propterea familiarum iſtarum Principes ; nihil ſane minus credendum. Sed *Juniorum* nummus, ob Templi *Deæ Saluti* ædificati memoriam, percuſſus exiſtimatur, quod *Junius Bubulcus* ex voto, quod Conſul fecerat, Dictator dedicavit A. U. 451. [*c*] Alterque iſte *Acilianus*, munus aliquod, vel magiſtratum, ad valetudinem populi contra peſtem, morbumve quendam contagioſum tuendam inſtitutum, geſtumque feliciter denotat, uti ex ipſa inſcriptione Viri docti judicant. MV. ACILIVS. III. VIR. VALETV. Quidni igitur cum Patino, *Rubriorum* etiam Nummum illum (quo Æſculapii in Urbem advectio denotari

[*a*] Orat. p. 11.

[*b*] Ibid. p. 31. Afferit. [p. 49.] inter alias Romanorum familias, Rubriam Medicinæ laude floruiſſe ; Pliniumque teſtem adducit : qui tamen nec de Rubria, nec de aliis iſtis familiis ne verbum profert ; ſed inter Medicos tantummodo celeberrimos memorat Caſſios, Carpitanos, Arruntios, Albutios, Rubrios — quos Servos potius, quam Familiarum Principes fuiſſe, ut modo dixi, haud dubitandum eſt. [*c*] T. Liv. l. 10. 1.

atque

atque exprimi videtur) ad operam aliquam ſingularem ea occaſione Reipulicæ præſtitam, ſeu ad ſumptus Templo ejus ædificando, vel ornando poſtea ab ea familia præbitos, referendum arbitremur? Sed ut privatos hoſce Cives omittamus; in Imperatorum ſæpiſſime nummis eadem illa cernitur *Salutis* effigies; ſignificans videlicet, ſalutem a Principe vel Imperio publicè, vel certis quibuſdam Civibus præcipuè datam [a]; ſeu vota & ſacrificia pro conſervatione, & valetudine Imperatoris à populo, vel Civitate aliqua facta. Ex talibus autem nummis, ſi Imperatores ipſos medicinam exercuiſſe putaremus, haud magis abſurdum eſſet, quam ſi Nobiles illos *Junios*, *Acilios*, *Rubrios*, Conſulum adhuc ætate, Artem illam profeſſos crederemus; quæ illis certe temporibus dedecus potius & infamiam, quam laudem, gloriamve nummis percutiendis celebrari dignam attuliſſet.

[a] Cum conjuratio quædam (cujus Princeps Cn. Cornelius, Pompeii magni ex filia nepos) contra Auguſtum eſſet detecta, Liviæ Auguſtæ conſilio atque interceſſione non veniam modo Conjuratores, ſed honores & Magiſtratus ab Imperatore conſecutos eſſe, tradit Dio: [Cæſ. Aug. l. 55. p. 85.] In cujus rei memoriam Nummum illum percuſſum eſſe, veriſimile eſt, in cujus averſa parte, Liviæ facies conſpicitur, hac inſcriptione; SAL. AVG. Vid. Agoſtin. Dial. 2 Tab. 45. Statuam etiam illam, quæ Romæ adhuc cernitur, Liviæque Auguſtæ faciem, ſub Deæ Salutis imagine exhibet, ob eandem cauſam, atque eodem tempore fingi credibile eſt. Vid. Raccolt. di Statue di Roma.—

Dum

Dum autem a Medicis contumeliam propulsare conatur, caveat tandem vir dignissimus, ne in alios ipse quidem contumelioſus reperiatur; Chirurgos velim, viros sane honestos, & Reipublicæ utiles; quosque a reliquis Medicis, nec nomine, nec conditione antiquitus unquam distingui, aut segregari reperio: Nisi fortasse credendum potius sit, Chirurgicam Medicinæ partem, cum antiquiorem, tum majori etiam apud veteres honore fuisse habitam. Ipse quidem *Æsculapius* non aliam ob causam in Deorum numerum relatus dicitur, quàm quod *Specillum* (Chirurgorum quoddam instrumentum) *invenerit, primusque vulnera obligare docuerit* [*a*]: ejusque itidem Filios, ad Homero tantopere celebratos, *Podalirium* & *Machaonem*, non ad pestem morbosve medendos, sed ad vulnera solum curanda adhiberi cernimus: *Ex quo apparet*, inquit Celsus [*b*], *has partes Medicinæ solas ab his esse tentatas, easque esse vetustissimas.* Arsque ipsa Chirurgorum adeo propria ab Antiquis existimabatur, ut nomen inde, a telis scilicet eximendis, apud Græcos eam duxisse *Sextus Empiricus* Auctor est [*c*]: Ἰατρικὴ εἴρηται τὸ παλαιὸν ἀπὸ τῆς τῶν ἰῶν ἐξαιρέσεως. Quam quidem nominis definitionem ab Homero plane sumsisse videtur.

[*a*] Cic. de Nat. Deor. l. 3.
[*b*] Præf. lib. de re Med.
[*c*] Adv. Mathem. l. 1. c. 2.

Ἰητρὸς

Ἰητρὸς γὰρ ἀνὴρ πολλῶν ἀνταξιος ἄλλων
Ἰὸς τ' ἐκταμνειν, &c.———Iliad. λ. 514.

Hier. Mercurialis, Medicus quidem ipſe doctiſſimus, omnes priſcos Medicos Chirurgos fuiſſe agnoſcit; atque ad Galeni uſque tempora Medicamenta ſibi ipſis paraſſe: Uti *Compertum habent*, inquit [*a*], *qui in Auctoribus antiquioribus*, atque Hippocrate præcipue ſunt verſati.

Apud veteres certe Romanos, communi Medicorum nomine cum utroſque appellari, tum utraſque ſimul Medicinæ partes ab eodem ſemper exerceri certiſſimum eſt. *Arcagathus* ille, qui omnium primus Medicinæ profitendæ cauſa e Græcia Romam, Anno Urbis 535, veniſſe dicitur [*b*], *Chirurgus*, ut ante dixi, fuit, tabernamque ad operam locandam publice datam habuit. *Plautus* etiam, qui eodem tempore, ſeu poſteriùs aliquanto floruit, de *Medicis* quoties loquitur, haud alios ac *Chirurgos* eſſe confirmat.

Lumbi ſedendo, oculi ſpectando dolent,
Manendo Medicum, dum ſe ex opere recipiat;
Odioſus tamen vix ab ægrotis venit;
Ait ſe obligaſſe crus fractum Æſculapio,
Apollini autem brachium, &c.—Menæc. 5. 3.

[*a*] Var. lect. l. 1. c. 13.
[*b*] Plin. Hiſt. Nat. l. 29. 1.

C. Marium crura tumoribus quibuſdam deformata Medico ſecanda obtuliſſe legimus [*a*]; & ſecandi acerbitatem ſine ullo doloris indicio pertuliſſe. *Cicero* de Milite Veterano ac Exercitato loquens [*b*], ob vulnera fortiorem eum fieri dicit, nec requirere aliud, quàm *Medicum, a quo obligetur. Catonis Medicum illum* ſupra memoratum *Chirurgi* proprio munere fungentem vidimus. Gladiatorum denique *Ludi ſinguli*, ut ex Inſcriptionibus plurimis apparet, ſingulos ſibi Medicos habuerunt, in utrumque certe, tum *valetudinem tuendam*, tum *vulnera medenda*, paratos æque ac inſtructos.

Imperatorum autem poſtea temporibus, cum Civium ſimul & Medicorum multitudo in immenſum quaſi excreviſſet; atque in Urbe opibus omnibus abundante, vel *quælibet Medicinæ pars* vectigal, quæſtumque ſatis amplum profitentibus conficere valeret; tum primùm in partes varias ſecari quaſi, & dividi Medendi Ars; tum ſingulæ deinceps a ſingulis tractari & adminiſtrari; tum vel minima quæque corporis pars, certuſve quilibet dolor *Medicos ſibi proprios*, & *unice addictos* habere cœpit [*c*]: atque

[*a*] Plut. in C. Mar.. [*b*] Tuſc. Quæſt. l. 2. 38.

[*c*] Medicos fortaſſe quis excipiet, etiam eos, qui alicujus partis corporis, vel certi doloris ſanitatem pollicentur: ut puta, ſi Auricularius, ſi Fiſtulæ, vel dentium, &c. l. 1. §. 3. Dig. de var. & extruor. cognition.

hinc

hinc denique *Clinicorum*, *Chirurgorum*, *Ocularioruṃ*, *Auricularioruṃ*, &c. nomina effluxere: quæ tamen omnia uni interdum, eidemque adhuc competere, ex Inſcriptione ſupra allata, atque aliis multis liquet.

Poſtremis temporibus, inquit Menagius [*a*], *partem illam Medicinæ*, *quæ manu medetur*, *ab aliis homines ſejunxerunt: quando factum hoc diſſidium*, *dixerit alius*, *non ego*; *certe poſt Antoninos*. Scio autem Celſum, prout a Clerico citatur [*b*], multis antea annis factam hanc Medicinæ partitionem indicare videri: dubitat autem vir eruditus, an Celſus de ea, tanquam facta jam, & in uſum perducta; an de re ſolum utili, quamque inſtituendam exoptarat, eſſet locutus; cum Celſi ipſius ætate, antiquum adhuc morem obtinuiſſe, omneſque ſimul Medicinæ partes ab uno eodemque tractatas ſæpe eſſe appareat.

Quicquid vero de hac re ſtatuamus; hoc unum certiſſimum eſt, *Medicos*, & *Chirurgos* pari ſemper conditione & dignitate apud veteres Romanos extitiſſe; viderintque tandem ii, qui conſtantem doctorum fere omnium opinionem, tanquam *ridiculum commentum*, *in opprobrium artis prolatum*, inſectantur; quam temere ipſi, nullo Antiquitatis Monumento, nullo Auctore

[*a*] Amœnitat. Jur. Civ. c. 35. p. 227.
[*b*] Hiſt. de la Medicine, l. 1. pt. 2. c. 9.

muniti, in alios, immerentes illos quidem & indignos, mera opprobria jaciant.

Meadius autem, ne, ſi nihil omnino de ignobili Medicorum veterum ſtatu fateretur, obſtinatum nimis & pervicacem ſeſe oſtenderet; concedere tandem aliquid videtur, ſed tanta verborum obſcuritate involutum & quaſi vi extortum, ut ſenſum inde vix ullum quidem, nedum clarum & diſtinctum elicere facile valeamus: ejuſque ideo verba integra huc appoſui, ut ſolertior aliquis ea mihi expedienda ſuſcipiat.

Nihil igitur ſervile, inquit ille [a], *aut tenue quidem, Artem noſtram adhuc dedecorat. Sed ut plane & ſine fuco totam rem dicam, ſimul cum ingenuis multis, & doctis viris, non pauci ſcientiæ & fortunæ bonis inferiores, illis temporibus Romam veniebant*; qui *etſi non Medicamentis, ſed manu curarent, Medici tamen appellabantur. Hi in divitum & Magnatum clientelam ſe conferebant, & Servi agebant, donec Civitatem conſequerentur, inde Liberti, nomen alicujus Familiæ Romanæ ſibi adſciſcere ſolebant: neque raro, ſi ingenium ſtudio literarum excoluiſſent, morbis etiam internis medebantur, & in Medicorum Clinicorum cenſum veniebant. Tali conditione fuit Antonius Muſa*, &c.

[a] Orat. p. 9.

Hæc

Hæc ille ; ſed ut mihi quidem videtur, cum verbis tum ſententiis ſibi ipſi plane repugnans : ut enim alia omittam ; ego ſane haud intelligo, quemadmodum ii, qui e Græcia *ſponte* quidem veniſſent, atque in Divitum clientelam ſeſe contuliſſent, *Servos* deinde *Romæ agere*, iidemque *Magnatum Clientes* & *Servi* ſimul eſſe poſſent ? Hujuſmodi autem omnia, (ſive errata, ſeu minus tantum accurata vocemus) & longe quidem majora, tali certe viro facile ſunt ignoſcenda : cui tantis rebus occupato, otium ad hujuſmodi nugas exquirendas nullo modo ſuppetit ; cujuſque aſſiduis occupationibus quantum unquam moræ interponatur, tantum ſane de publicis commodis detrahitur.

Clericus autem ille, quem ſupra nominavi, in libro illo, quo Medendi Artis hiſtoriam diligenter & erudite contexuit, hanc omnem quæſtionem copioſe tractat [*a*] ; & quamvis Medicus, non dubitat tamen, quæ in utramque partem dici ſolent, in medium proferre, aliis judicium relinquens : in hoc tantum errare viſus ; quod Sponii Autoritatem ſequens, Medicos illos *Arruntium*, *Calpetanum*, *Rubrium*, *&c.* quos *Romanorum primos* Medicinam attigiſſe dicit, ex *ampliſſimis Civium familiis* ad eam illico acceſſiſſe credat : quaſi autem illam, quæ Ro-

[*a*] Lib. 1. p. 3. c. 2.

mani Civis exiſtimationi nocere plane exiſtimabatur, *Nobiles* ſtatim exercuiſſe, omnino eſſet credibile: idque *Auguſti*, *Tiberii*ve ætate, cum vel multis poſt annis Medici, ut ſupra dixi, in *humillimis mortalium* a *Seneca* adhuc numerantur.

Sed de hac omni diſceptatione hactenus: nec quemquam jam exiſtimare velim, me horum aliquid diſputaſſe, ut Medendi arti, honeſtæ ei quidem atque imprimis utili, invidiam, aliquam conflarem, dedecuſve inurerem: Nihil minus mihi in animo erat; quippe haud alius quiſquam Medicorum plures, amicitiâ ſibi & conſuetudine omni conjunctos habet, aut habere magis cupit: quorum pleroſque cognovi ſemper, tum Viros bonos, tum in omni fere doctrinæ genere excellentes. Nec ipſam ſane quæſtionem ad veram artis gloriam, laudemque pertinere omnino arbitror: etenim hoc ſibi Medicina nullo modo præcipuum, ſed cum aliis pleriſque artibus commune habet; quod Romæ tardius olim recepta, neglecta & contempta fuerit [*a*]: neque *Medici* magis vituperandi, quod a priſcis illis Quiritibus nullo loco habiti eſſent, quam *Poetæ*; quorum familiaritatem & conſuetudinem M. Cato Senatori cuidam, tan-

[*a*] Serò a noſtris Poetæ vel cogniti, vel recepti.——Philoſophia jacuit uſque ad hanc ætatem, nec ullum habuit lumen Latinarum literarum. Cic. Tuſc. quæſt. 1.

quam

quam probrum aliquod objeciſſe fertur [b]: tota hæc diſputatio in Hiſtorica quadam diſquiſitione unice verſatur; quæ etſi omnibus ſane levicula; nonnullis tamen, uti ſpero, nec injucunda, nec homine in literis otiante indigna prorſus videbitur; qui tamen & his fortaſſe graviora, uti alias fecerit, ita in poſterum etiam ſit aliquando in lucem editurus.

[b] Ibid.—

DISSERTATIONIS

DE

Medicorum Romæ Degentium

CONDITIONE IGNOBILI & SERVILI,

CONTRA

ANONYMOS QUOSDAM

Notarum Brevium, Reſponſionis, atque Animadverſionis

AUTORES,

DEFENSIO.

Qui admonent amicè docendi ſunt, qui inimicè inſectantur repellendi. Cic. de Nat. Deor. l. 1.

DIS-

DISSERTATIONIS

DE

MEDICORUM ROMÆ DEGENTIUM

Conditione Ignobili & Servili

DEFENSIO, &c.

CUM de *Medicorum Romæ olim degentium conditione* Dissertationem meam in publicum edere statuissem, nullius mihi vel animum vel existimationem lædere propositum erat; sed cum eruditis quibuscunque atque antiquarum præsertim rerum studiosis, gratiam me potius initurum putaram, si quæstionem in Antiquitatis cognitione versatam, atque à viris doctis, etsi levitèr solummodo, at sæpius tamen, varièque agitatam, penitùs ipse perscrutandam, fusiùsque explicandam, arriperem: quippe ego, qui nisi lacessitus, atque injuriæ propulsandæ causa, neminem mihi unquam lacessendum duxerim, haud tam temerarius fuissem ut *Florentissimi Medicorum Ordinis* inimicitias, hac meâ præsertim minùs firmâ valetudine, ultro mihi subeundas putarem.

Sed ut dicam planè quod sentiam; ego nec intelligere unquam potui, neque adhuc sanè cau-

causam videre queo, cur hæc nostra disputatio *Medicis* omnino *Stomachum* moveret; cur vè offensos inde aut indignè sese tractatos judicarent. Etenim quid si *Prisci illi Romani* de Arte ista minùs quidem, quàm oportuit, honorificè censuerint; num ad horum temporum Medicos hoc ullo modo pertinere existimabitur? Si homines, inquam, illi artium bonarum rudes, literarumque expertes, Medicinam, juxta ac reliquas artes contempserint, nec Civibus quidem suis colendam judicaverint; num hoc apud Viros graves de verâ artis laude detrahere aliquid aut imminuere poterit? Numvè mirandum est, in quâ Urbe per tot secula nec luxus, nec pecunia ferè reperiebatur, quorum alterum Morbos, alterum Medicos alit, in ea Urbe, *medendi artem* jacuisse, atque ab *Ingenuis liberisque hominibus*, quibus vitam pro suo cujusque arbitrio instituendi facultas esset, omnino rejectam ac contemptam esse?

Apud *Turcas* hodie, si peregrinantibus habenda fides, hæc eadem Ars nullo ferè loco haberi, sed à *Servis*, *Obstetricibus*, *Græculis*, *Judæisque* administrari dicitur: quis tamen hoc *Medicinæ ipsi* infamiam ullam, dedecusvè afferre arbitratur? quisve non Nationis ejus insciliam potiùs & barbariem irridet, quæ Artem tam utilem, tamque necessariam non pluris æstimet; nec præmiis honoribusque propositis homines suos ad eam excolendam excitet?

Vide-

Videram autem, fateor, nonnullos, viros eos quidem graves atque eruditos, vel gloriolâ quâdam elatos, vel artis suæ caritate nimis fastidiosâ incensos, hanc omnem disputationem impatienter satis, nec nisi ægro planè animo tulisse; atque in eâ refutandâ, perinde ac opprobrio aliquo à Medicis repellendo, tam vehementèr elaborasse, ut sese vix à contumeliis abstinerent; nec contrariæ sententiæ fautores haud alitèr ac malevolos atque invidos insectari dubitarent. Horum ego intemperantiam etsi aliquantulùm reprimendam esse censui, ita tamen reprimendam, ut maledicentia sanè omnis, sermonisque asperitas à nostrâ prorsus disceptatione abessent; atque ut Viros liberaliter educatos decet, non animorum contentione, sed opinionum solummodò, dissensione ad veri investigationem accederemus: quod quidem in illa *mea Dissertatione* me tam religiosè præstitisse arbitror, ut ne verbum ibi unum aut contumeliosè aut asperè nimis dictum inveniri posse confidam.

Dissertationem autem ipsam quod attinet; ea sane non nisi casu quodam, atque illo fere, quo rem exposui, modo, tum primùm inchoata, tum perfecta postea ac in lucem emissa est: nec vereor profecto, ne quis idem mihi illud objiciat, quod *Oppugnatores quidem meos* objeciisse video; tanquam causæ *a me prorsus alienæ memet ipse immiscuissem* [a]. Quicquid enim literis man-

[a] Resp. p. 4.

detur,

mandetur, id omnium plane lectioni & judicio propositum semper judicavi, & si quid potissimum *in re literaria* ab hominibus curiosis in controversia agitatum, atque in medium semel projectum esset, id sane ab homine quovis otioso & literis dedito minime alienum esse putavi. Sin autem, quod magis suspicor, quodque fieri plane perspicio, id mihi potius crimini vertatur, quod clarissimi *Meadii* sententiam mihi impugnandam susceperim [*b*]; id quidem etsi haud parvo meo periculo factum fateor, quod a tanto Viro dissentire ausus essem: attamen ni petulanter aut iracunde id feciisse arguerer, cum culpa omnino ulla conjunctum esse nego; nisi omnes simul omnium temporum eruditos eodem crimine condemnemus, qui inter se discrepare ac contra disputare, quotiescunque res postularet, nunquam dubitaverint; nec nisi ejusmodi contentionibus *verum* unquam investigari, literarumve studia vigere omnino, aut radices agere posse existimaverint [*b*].

. . . . . .

Istud autem meum opusculum haud citius in publicum prodiit, quam ad me statim perlatum est, responsi mihi aliquid parari, nonnullosque ingenio & doctrina præstantes, qui contra me scriberent, meamque sententiam refellerent, a *Medicis quibusdam* delectos jam & designatos esse: quo quidem nuntio tantum abfuit,

[*a*] Ib. p. 201. It. Animad. br. p. 42.
[*b*] Cic. Tusc. qu. 2. 2.

ut

ut moleſtiæ mihi aliquid crearetur, ut gaudio potius tacito ac voluptate memet inde affectum ſenſerim. Quippe illud, cum omnibus veri tandem inveſtigandi, tum mihi præſertim, haud multum occupato, honeſtam quandam otii conterendi occaſionem præbiturum eſſe putavi: nam mecum ipſe ab initio plane ſtatueram, aut ſententiam meam, a quocunque impugnata fuerit, defendere ac confirmare, aut ſi ob rationum contra adductarum vim id mihi minus liceret, manus ultro dare, meque victum plane ac deceptum libere & publice confiteri.

Hac igitur expectatione dum plenus, erectuſque ſtabam; prodiere tandem contra *Diſſertationem meam Notæ quædam breves*, ab Anonymo quodam conſcriptæ; leves illæ quidem & futiles, nec dignæ ſane, quæ alio modo a me tractarentur, ac quo ab omnibus eas tractari intellexi, contemptu ſcilicet & neglectu. Senſi enim illico, illas non iſtud eſſe majorum lucubrationum opus, quo ſententiam meam refutandam atque evertendam nonnulli jactitarant; vidi plane tam debilem impetum tanti belli famæ haud quaquam reſpondere; nec *Notulas iſtas* aliud eſſe reputavi, ac Velites quoſdam, leviſve armaturæ milites, in me ante emiſſos, ut me vexarent aliquantulum atque occupatum tenerent, quoad legiones, quæ armorum pondere lentius progredi cogerentur, ad pugnam adeſſent.

Nec

Nec me profecto animus fefellit ; quippe sub *Responsionis titulo* in lucem tandem venit, etsi longo satis intervallo, diu meditatum opus, vel ipso aspectu & magnitudine terribile : utpote *Dissertatiunculam istam meam* vel decies circiter paginarum numero exuperans : quasi auctor noster, quod alios nonnunquam factitasse accepimus, ipsa libri sui mole & pondere controversiam penitus omnem delere atque obruere cogitasset. Libro autem ipso in manus statim arrepto, atque avide satis perlecto, haud dici facile potest, quàm mira illicò expectationis meæ omnis frustratio consecuta est : nam vix tantæ molis librum me antea unquam vidisse memini, in quo tam pauca aut observatu digna aut lectu jucunda invenissem : de me vero omnia non nisi acerbe ac malevole dicta animadverti ; & quasi non de re *prorsus levicula*, sed de *Religionis ipsius veritate* certamen institutum esset ; singula fere minutatim agitata, exaggerata, atque à meo sæpe sensu detorta vidi : ut Auctor non tam ad causam aliquam defendendam, quàm ad me accusandum *Orator* adhibitus videretur : quamvis enim nomen ille suum celavisset, sensi tamen hominem e *Rhetorum turba* conductum esse oportere ; cui scilicet generi concessum novimus, omnia *tragicè ornare, augere, ementiri* [*a*] : is mihi solùm scrupulus restabat, quòd in ejus quidem sermone nihil planè, quod *Rhetorem*

[*a*] Cic de Clar. Orat.

oleret,

oleret, nihil venustatis, nihil ornatûs, sed inculta potiùs omnia nec satis Latina invenirem.

Hujusmodi itaque Scriptorem haud magis quàm alterum illum (cui neutiquam sanè eum anteferendum censeo) cogitatione ulla mea, aut animadversione dignum judicassem ; ni hunc potissimùm hominem a *Clarissimo Meadio* ad hoc *Respondendi munus* delectum ; librumque ipsum *ejusdem cura & sumptibus* in lucem emissum ; amicisque suis *manu propria inscriptum & dono a Meadio ipso missum* intellexissem. Quibus non dubie ad me perlatis, non nihil ipse commotus, veritusque ne, præ nimia quadam mei ipsius caritate, haud satis rectè de Adversarii mei meritis statuissem, librum ejus relegi ; in quo quidem etsi quæstionem ipsam quod attinet, nihil ferè, ut ante dixi, quod refutatione dignum videretur, inveni ; cum tamen memet ubique perindè ac in *Notis istis brevibus*, tanquam *Calumniatorem* [*a*], *Criminatorem*, *Malevolum* tractatum videram ; idque *tanti viri* judicio comprobatum, ejusque jussu ac opera in publicum evulgatum ; illud demum mihi ipsi & existimationi meæ deberi arbitrabar, ut opprobria tam indigna refellerem ; ostenderemque ejusmodi convitia non eos unquam attingere posse, qui nominis & famæ reverentia, tanquam pignoribus datis, adstricti, ad controversias literarias descendunt ; sed *conducti-*

[*a*] Resp. p. 86, 134, &c.

tiis solummodo *scriptoribus* istis convenire, qui existimationis nullum prorsus aut periculum subire, aut jacturam facere possunt, sed tenebris atque obscuritate tecti in quosvis sibi designatos, quasi ex insidiis impetum faciunt, & quamlibet causam defendendam, quemlibet hominem lacerandum mercede pactâ suscipiunt.

Hæc dum mecum ipse meditabar; tertius quidam in publicum prodiit sub *Animadversionis brevis*, titulo contra me conscriptus libellus; quem quidem intellexi subito, tum stilo, tum Materia consimili ex *eodem illo Notularum Auctore* profluxisse: quippe nihil fere aliud fecisse *Animadversor* videtur, ac eadem omnia recoquere, quæ antea disputarat, sed nova quadam luce donata, novo ordine dispositа, atque ut ei videtur, jocis quibusdam & salibus conditiora. Ego vero, quoniam scribendo plane inexpertus homo videtur, hoc ei consilium dare velim, ut sese posthac a facetiis abstineat; hoc, mihi crede, non illi a Natura datum; quam in re omni ducem sequi oportet: & si ex arte sua victum, laudemve quærere studeat, non ingenii viribus, sed industria penitus & labore rem ei conficiendam video.

In hac vero, quam nunc aggredimur, certatione, propter *Clarissimi Meadii* nomen atque auctoritatem a me, ut modo dixi, suscepta, ne, si alteri responderem, alterum vero, nec illum magis quidem indignum, negligerem, injustus

injuſtus cuiquam viderer ; ſtatui ſane omnibus ſimul, una fere eademque opera reſpondere. Primùm igitur, ut ratione & via quadam procedamus, *Notas iſtas breves*, quia primæ illæ quidem prodierunt, haud alio plane, ac quo occurrunt, ordine, conſiderare viſum eſt ; atque eodem tempore, ſi quæ vel ejuſdem vel conſimilis argumenti in *Reſponſionis Auctore* animadvertero, ea ſimul omnia in unum conferam, atque uno labore abſolvam : deinde ad *Reſponſionis auctorem* me totum convertam, & reliqua omnia, quæ ſibi propria habuerit, ſeparatim perpendam ; non immemor interea *Animadverſionis* etiam *brevis*, ſi quid Auctor ejus vel novi, vel notatu digni attulerit ; quod rariùs tamen fiet, propterea quod is, ut dixi, haud aliud feciſſe videtur, ac ea quæ antea dicta eſſent, verbis atque ordine paululum immutatis iterare.

Sed antequam in aciem ipſam deſcendamus, operæ pretium erit, de controverſiæ hujus ſtatu nonnulla breviter præfari, & queſtionem ipſam ita definire, ac limitibus circumſcribere, ut conſtituatur quid & quale ſit id, de quo diſceptamus ; quod ni fiat, vagabitur nimis hæc omnis diſputatio, neque certam tandem ullam ſtabilemve ſententiam elicere inde poterimus.

Itaque hoc potiſſimum a lectore animadverſum velim, ea omnia, quæ de *Medicorum Conditione* a me ſunt diſputata, ad eam *Urbis Romæ*

ætatem, quæ *Cæsarum temporibus anteceſſit*, referri omnino oportere ; hos mihi in *Diſſertatione meâ* controverſiæ hujus terminos conſtitui : per id temporis ſpatium, quòd ſeptingentos circiter annos complectitur, *Medicinam* non niſi a *Peregrinis*, *libertis*, *ſerviſque* penitus adminiſtratam fuiſſe contendo ; *Artemque ipſam* tanto in contemptu a *Populo Romano* habitam reperio, ut profeſſio ejus *Civium omnino exiſtimatione indigna* judicaretur ; atque eorum adeo ne unum quidem, qui eam unquam attigerit, oſtendi poſſe exiſtimo. Qui verò hanc ſententiam impugnant, ea, quæ de *Medicis Servis* a Veteribus tradita reperiantur, non de *Medicis proprie dictis*, ſed de *Chirurgis*, eiſque ſolummodo, qui inferiores atque operarias Medicinæ partes tractabant, intelligenda prorſus eſſe diſputant : atque hinc alia ſtatim de *Chirurgis* enata quæſtio eſt ; videlicet, num iiſdem illis temporibus *Chirurgorum* & *Medicorum* conditio diverſa omnino, aut ab invicem ſejuncta fuerit ; numve *Medicæ Artis partitio* ulla tunc temporis facta eſſe appareat. Ego vero, quantum cùm ex Scriptoribus antiquis, tum *Medicis* præſertim noſtrorum temporum eruditiſſimis, qui in hac ipſa cauſa perquirenda quàm maximè elaborarint, inveſtigare ac colligere valuerim ; haud ullam *Artis hujus partitionem*, ullamve præſertim *Medicorum & Chirurgorum diſtinctionem* per id omne temporis intervallum fieri reperio ; ſed utroſque cum eodem nomine appellari, tum eodem loco & conditione haberi video : quod quidem etſi

generatim

generatim verum eſſe credo, haud ita tamen verum, quin quod omnibus univerſim enuntiatis accidere ſolet, huic itidem veritati unam alteramve forſitan exceptionem opponi poſſe exiſtimem ; neque aliam omnino regulam huic noſtræ quæſtioni conſtitui debere arbitror, ac quam omnibus conſtitutam novimus ; videlicet, *res quaſvis ex majori ſemper parte nominari oportere, etiam ſi pars aliqua abeſſet* [*b*].

Quiſquis igitur hanc meam opinionem ſibi refellendam ſuſcipiet ; is primùm terminos huic omni diſputationi poſitos animadvertat & conſideret neceſſe eſt ; quæſtionemque ſeſe tractare meminerit, tum loco tum tempore certo definitam & circumſcriptam : nihil attinet in hac cauſa de Medicorum divitiis, honoribus, artiſque dignitate puerorum more & ſine ulla temporum diſtinctione declamare ; oſtendat mihi, ſi poterit, *homines aliquot Romanos* in eo temporis ſpatio *Medicæ Artis ſtudio & profeſſione* florentes : oſtendat mihi *Medicos* non nomine modo, ſed conditione atque honore a *Chirurgis diſtinctos :* atque hoc ſi quis fecerit, tum demum redargui memet & confutari plane fatebor.

Sed ad *Annotatorem* jam *noſtrum* deſcendamus ; qui etſi literis iſtis M. D. libelli in fronte adſcriptis, ſeſe tanquam *Medicinæ Doctorem* nobis venditare ſperat, mihi tamen haud facile

[*b*] Cic. Tuſc. qu. 5.

persuaserim, homini tam imperito tamque inepto, *Academias hasce nostras* honorem unquam istum detulisse: Crederem potius, si quam ex stylo ejus conjecturam facere liceat, de *Medicorum istorum* grege eum esse, qui fora circumire, ex pulpitis perorare, laudesque suas, artisque gloriam ad populum prædicare solent. Etenim quid aliud nobis indicare, quid aliud nobis indicare, quidve aliud olere videtur oratio ista vehemens ac turgida? Quid aliud illæ repetitæ toties ad populum exclamationes? *Jam illa reputate, quæso, quæ de Asclepiade, Medico celebri, memoriæ tradita sunt* [a]: *legatis, quæso, locum Plinii de quæstibus Medicorum* [b]: *videte, quam ingentes Medici Romani confecerint pecuniæ summas* [c]: *quæso locum ipsum inspicite* [d]: utcunque vero de hac re statuamus, hoc unum certissimum est, in *notis hisce brevibus* vel ingenii vel modestiæ ne minimum quidem signum reperiri, nisi quod Auctor nomen suum tam industriè celaverit, quasi temeritatis atque ignorantiæ suæ conscius.

Ego vero cum *Dissertationis meæ* initio dixissem, *apud veteres Romanos, per prima aliquot ab Urbe conditâ secula, medendi Artem, non modo minùs excultam, sed ne cognitam quidem esse, ex monumentorum omnium silentio suspicari nos posse.* Exclamat illico *Annotator hicce* [e];

[a] Not. br. p. 8. [b] Ib. p. 15.
[c] Ib. p. 16. [d] p. 17. [e] p. 4.

initium

initium ejus, lectores, advertite. De illorum conditione scribere virum doctissimum videtis, quos ne fuisse quidem suspicatur. Inde potestis intelligere quanta sit ejus in scribendo diligentia & accuratio. Annon vero, *homo acute*, id scriptoris quam maxime diligentis, atque accurati est, rem in controversia agitatam ab ipsis fontibus exquirere, ab ipsis primordiis investigare? Annon de Arte Medica, disputantis; illa quo primùm tempore cognosci, quo deinde excoli cœperit, exponere?

Sed *omnino gravius Middletoni erratum*, inquit [*a*], *extemplo licebit agnoscere, quo tanquam fundamento nititur universum opus.* Quod disputaram scilicet, doctorum perplurium auctoritate, *Medicinam Clinicam & Chirurgicam ab eodem homine* semper exerceri, nec *Chirurgos* a cæteris *Medicis* antiquitus unquam distingui, quippe ex illa de *Medicorum Conditione* disputatione, aliam, ut supra dixi, tanquam e radice [enatam vidimus de *Medicinæ partitione* quæstionem, quam alii certe omnes prioris ejus *appendicem*, seu *consequens* quoddam dicerent, noster autem hicce *fundamentum* ubique appellat. *Itaque labefactato*, inquit, *ipsius fundamento corruit totum opus* [*b*]. Sed fundamentorum hicce eversor, videamus jam, quemadmodum opinionem meam refutet.

[*a*] pag. 4. [*b*] p. 13.

Et quoniam in hanc disputationis partem, etsi loco quidem haud satis idoneo, incidimus, ne eadem sæpiùs iterando lectori molestus essem, huc etiam illa quoque, quæ de eadem re *Responsionis Auctor* disputaverit, conferre visum est; præsertim cum communia fere inter se omnia utrosque habere video. Primùm enim utrique se *unico Corn. Celsi loco* causam hanc omnem expedire, remque conficere posse censent; quo scilicet loco *Celsus* de *Medicinæ partitione*, *tanquam suo tempore Romæ usitatâ*, *loqui videtur* [a] At in omni quæstione dijudicandâ, quæ certi cujusdam temporis limitibus continetur, id omnino spectandum est; non tantum quid de re ipsa in controversia posita Auctores tradant, sed ad quæ potissimùm tempora eorum verba referri debeant: de *Celsi* autem tempore nihil prorsus *Annotator noster* attulit; at *Tiberii ætate* eum floruisse *Responsionis Auctor* dicit [b], de quo tamen inter Auctores haud satis constare credo; convenit solummodo inter omnes eum *Cæsarum temporibus* vixisse; quod cum ita sit, cumque *Celsus* præsertim hoc ipso loco a Viris eruditis adducto *Medicinæ divisionem*, utcunque apud alias gentes diù invaluisset, at *Romæ* tamen nonnisi suo tempore *recentem nec diu usitatam* indicare plane videtur [c]; hoc ejus testimonium, utcunque

[a] Not. br. p. 6. it. Respon. p. 179.

[b] Resp. p. 162.

[c] Ac Romæ quoque non mediocres Professores, maximeque nuper Tryphon, &c.

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luculentulum atque *opportunum* viris hisce videatur, haud quicquam tamen contra meam sententiam probare, nec causam fere ipsam attingere ab aliis certe omnibus judicabitur.

Ego vero, ut quivis facilè conjiciet, haud *Celsi* omnia perlegisse præ me fero; mihi satis esse duco, quòd de *Medicis ipsis* doctissimos quosque sententiæ meæ auctores habeam, quodque eos omnes qui in veterum scriptis evolvendis quam diligentissimè fuerint versati, eadem hæc omnia de *Medicinæ divisione* credidisse semper & disputasse reperiam: *Clericusque* ille potissimùm, qui *totius Artis historiam* contexuit, quique non unum alterumve *Celsi* locum, sed omnes ejus libros ad hoc ipsum investigandum perscrutatus est, sese tamen dubitare planè fatetur, an *Medicæ Artis partitio Celsi adhuc ætate re vera facta & in usu omnino Romæ fuerit.*

Hoc autem in loco *Responsionis Auctor* mirum sane nobis tum ingenii, tum modestiæ suæ specimen præbet, qui mihi, uti alias sæpe videbimus, *Clerici* locum istum corrumpendi atque ad sensus meos detorquendi crimen objicit; quippe *Clericum* non modo *de Medicinæ partitione istâ nihil dubitare*, sed *contrarium planè* ex ejus verbis colligi posse fidenter atque apertè affirmat [*a*]. Ego vero contra; nullam mihi fidem nec in hac, nec alia quâvis causâ haben-

[*a*] Resp. p. 190.

dam

dam posco, ni ex *Clerici* tum verbis tum sententiâ illud ipsum, quod dixeram, significari penitus appareat. *Clericus* enim, postquam ex *Celsi* verbis, sensuque, *Medicinæ in tres partes divisionem* explicuisset, ita denique concludit: *Soit que la chose se pratiquât effectivement ainsi de son temps; soit qu'il ait voulu simplement marquer comme elle devoit aller* [*a*]. Quod ita quidem vertere licet; *sive tamen Celsi ætate partitio ista reverà ita in usu fuerit; sive id tantummodo in animo Celsus habuerit, ut significaret, quemadmodum ea fieri debuisset*, atque hanc, ut memini, dubitationis suæ rationem *Clericus* adjungit, quòd eam adhuc consuetudinem, vel *post Celsum*, in usu mansisse invenerat, ut omnes simul *Medicinæ* partes a *singulis Medicis* unà exercerentur. Itaque si *Celsi auctoritas* in hac quæstione aut nihil, aut parum valere poterit; multo certe minus Galenus, quem posterius vixisse novimus, quemque alterum sententiæ suæ auctorem noster hicce adducit ad hanc omnino causam advocandus erit: quod quidem videre, & concedere plane *Responsionis Auctorem* sentio [*b*]. Galeni igitur testimonio contra opinionem meam prolato, nihil opus est, ut quicquam prorsus respondeam.

Pergit autem ostendere Vir acutus, quam *opinioni ipse adverser meæ* [*c*], qui *Archagathum il-*

[*a*] Vid. Resp. p. 191. [*b*] Resp. p. 185.
[*c*] Not. br. p. 8.

lum,

lum, quem primùm Medicinæ exercendæ causâ Romam venisse legimus, *Chirurgum* fuisse confitear. Ego verò quidni *Archagathum Chirurgum* appellem, qui non eum solum, sed *Medicos etiam omnes*, quotquot *Romæ* deinceps vel aliquot post seculis artem suam exercuerint, *Chirurgos* fuisse, omnesque simul Medicinæ partes semper tractasse contendo, multisque exemplis probavi : quodque *Archagathus* iste vulnera curasse dicitur, id sententiam meam non evertere certè, sed confirmare potius judicabitur ; nisi ex priori, ut aiunt, esset demonstratum, eos, qui *Chirurgicam Medicinæ partem* tractare solerent, nullam unquam aliam omnino attigisse.

Sed idem hocce de *Arcagatho* argumentum pluribus etiam persequitur *Responsionis Auctor* ; dicitque sibi perspicuum videri, eum *nil nisi Chirurgiam* exercuisse, propterea quod a *Plinio vulnerarius* appelletur [*a*] : quasi nomen istud non idcirco adipisci potuisset, quod *vulnerum præcipue curationi* sese applicuisset, quodque eis magis quàm *morbis medendis* peritus ac expertus habebatur ; utpote qui partam eam, in *Urbe* scilicet *bellicosâ*, reliquis forsitan pluris æstimari observavisset. Cum vero propter *Archagathi* hujus in vulneribus curandis sævitiam, & *artem ipsam & omnes medicos in tædium cito transiisse* discimus ; causam sane nullam, quamobrem id fieret, videre queo ; ni illis quoque temporibus

[*a*] Resp. p. 182.

cæte-

cæteri etiam *Medici* eodem planè modo artem suam exercuissent & quod *Archagathum* feciſſe contendo, *reliquas simul Medicinæ partes unà* cum *Chirurgicâ* omnes administrassent.

At *Asclepiadem* denique *Medicum*, *Pompeii ætate* celeberrimum *Chirurgiam* omnino non attigiſſe *Annotator noster* affirmat; *idque librorum* [*a*] *ejus inscriptionibus* declarari ait; propterea quod inter opera ejus, quorum tituli solummodo aliquot nobis jam restant, nihil omnino *de Chirurgia* ab eo scripti memoriæ proditur: atque hoc idem à *Responsionis quoque Auctore* disputatum videmus [*b*]. Præclarum sane Argumentum! quod vix alius, præter *hoc eruditorum par nobile*, excogitare unquam potuisset: *Asclepiades nihil de re Chirurgica aut scripti reliquit, aut quod reliquisset, periit*; *ergo Chirurgiam non omnino attigit.* Sed non vident Viri ingeniosi, *Asclepiadem* dum *Chirurgum* fuisse negant, at *Pharmacopolam* saltem fuisse, eodem illo Argumento concedant necesse est; scilicet quod de *medicamentorum compositione* eum scripsisse fateantur. *Asclepiades* vero ipse, cum *in Anginis curandis* novam quandam curandi rationem instituisse traditur [*c*], a *Chirurgica artis parte* non omnino manus abstinuisse videtur.

[*a*] Not. br. p. 10. [*b*] Resp. p. 197.
[*c*] Plin. Hist. Not. l. 26. 3.

Anno-

Annotator autem *noster* tanquam rem omnino claram, certamque esse demonstrasset, hanc tandem conclusionem ex præmissis istis elicit: *Ergo fuit*, inquit [*a*] *Romæ Asclepiades Medicus Clinicus*, nec *Chirurgiam omnino attingens*; *Archagathus vero Chirurgus*, nec *reliquam Medicinam tractans*; etiam *ante Imperatorum tempora*. Ego vero si hisce ineptiis quicquam serio respondere aggrederer, memet sane, vel hominibus hisce ipsis insipientiorem censeri deberi judicarem.

Sed ad reliqua convellenda homo progreditur; & *neque minus*, inquit, *id Middletoni erratum est, ubi ex Mercurialis auctoritate, omnes Medicos usque ad Galeni tempora sua medicamenta parasse ait* [*b*]. Ubi candoris, æquitatisque ejus specimen obiter notare libet; non contentus enim meos omnes errores insectari, aliorum mihi errata imputat; & cum *Mercurialis*, viri eruditissimi verba, sententiamque exhibuissem, non minus me errâsse dicit, quàm si ex meipso essem locutus, meosque penitus sensus protulissem. *Mercurialem* verò *Plinii* ipse testimonio refellere conatur [*c*], quo loco *Plinius Medicos* quidem severè reprehendit, quod a *Medicaminibus conficiendis, quod proprium esse Medicinæ solebat, sese abstinere cœpissent*, & *præ medicamentorum ignorantia, quo-*

[*a*] Not. br. p. 10. [*b*] Not. br. p. 12.
[*c*] Not. br. p. 13.

rum

rum vel nomina pars major ignorabat, ab aliis emplastra & collyria mercari coacti essent. Hæc autem verba haud satis attendit *Vir doctus*, quàm contra suam ipsius disputationem faciant, dum probant *Medicos* vel iis temporibus *Chirurgorum* munere aliquo fungi, atque *emplastra* & *collyria*, utcunque ab aliis facta & parata, suis tamen manibus tractare, atque ad usus destinatos applicare solere. Cum autem *Plinius* ipse *Galenum* haud longè ætate anteceſſit; hæc ejus verba *Mercurialis* itidem opinionem confirmare potius quàm evertere videntur, præsertim si ut omnia generatim dicta intelligi debent, eam non nimis severè ac restrictè accipiamus: quod quidem a *Responsionis* etiam *Auctore* concessum planè animadverto [*a*].

Antequam vero hanc de *Medicinæ partitione* disputationem concludamus; ego sanè, qui nec in hac, nec in aliâ quâvis quæstione aliud mihi propositum habeam, ac quod verum, aut veri saltem simillimum sit, investigare, nequeo hic dissimulare, *Responsionis* illum, atque *Animadversionis brevis* Auctorem, locum quendam *Ciceronis* adduxisse, qui ad causam suam haud parum valere videtur [*b*]: quod idem sane alias etiam,

[*a*] Resp. p. 187.

[*b*] Resp. p. 182. it. Animad. br. p. 39. verba Ciceronis hæc sunt. Tum Crassus, Non in hac, inquit, una re, Catule, sed in aliis etiam compluribus, distributione partium, ac separatione, magnitudines sunt artium diminutæ. An Tu existimas, cum esset Hippocrates ille Cous,

etiam, nec minus quidem liberè faterer, si quid apud eos solidi unquam aut probabilis inveniſſem. Atque hunc ipſum locum ego quidem poſt *Diſſertationem* meam editam obſervaram, cumque amicis communicaram ; quo ſcilicet indicare *Cicero* videtur, *medendi artem* vel *ſua ætate* in *diverſas partes* diſtribui, *ſingulaſque a ſingulis* interdum adminiſtrari ſolere : quod quidem etſi non ſatis perſpicuum ſit, utrum de *Medicina*, uti tunc *in Græcia*, an uti *Romæ* exercebatur, accipiendum ſit ; conceſſo, tamen ad *Medicos* potius *Romæ degentes* id pertinere ; at non inde tamen ſequitur morem illum *universè* ac *generatim* tunc obtinuiſſe, ſed aliquatenus ſolummodo proceſſiſſe ; quod tum ex eis, quæ in *Diſſertatione mea* dixeram, tum innumeris aliis Auctorum veterum locis probari facile poterit.

Quod autem magis ad rem noſtram eſt ; ex hoc eodem loco videre poſſumus, quàm longe aliter *Cicero* de vera *Medicorum* laude ac præſtantiâ, ac illi, quibuſcum rem habemus, judicaverit : *noſtri* enim *Medicorum propugnatores* eos tantum *ſervilis* [*a*] atque *abjectæ ſortis* fuiſſe aſſerunt, qui *omnes ſimul medicinæ partes*, *morborum* ſcilicet *vulnerumque* curationes una profiterentur [*b*] ; *Inſignes autem viros*, *ac arte*

Cous, fuiſſe tum alios Medicos, qui morbis ; alios qui vulneribus : alios qui oculis mederentur ? De Orat. l. 3. 33.

[*a*] Reſp. p. 193. [*b*] Ib. p. 222.

celt-

celebratos uni tantùm parti se totos addixisse—— itaque *Clinicum* solummodo *Medicum* fabulæ suæ *Heroem* constituunt; eum solum & virum magnum & *Medici nomine* dignum judicant: si quis vero *Chirurgiam* vel digito attigerit: de *Medicorum* statim classe ac professione dejiciunt. At *Ciceronem* contra, quàm longe diversa & contraria plane omnia de Medicorum dignitate sensisse videmus? qui *hac medicinæ partitione* artem ipsam discerptam, ejusque *laudem* & *magnitudinem imminutam* indicat; nec se eos in *medicis magnis* atque *excellentibus* numerare ostendit, qui vel *morborum* vel *vulnerum medicinam separatim* atque *unicè* profiterentur, sed qui, *Hippocratis exemplo*, *nullam medicinæ partem* negligentes, aliisve figillatim exercendam relinquentes, *universam simul artem* complexi atque unà professi fuerint: cumque hæc ab eo dici cernimus, qui eodem illo libro *Asclepiadem*, uti *Medicum eximium* atque *amicum suum* laudaverit; nonne verisimile inde videtur *Asclepiadem ipsum* de eorum numero esse, qui non *excerptam aliquam medicinæ partem*, sed qui *universam* essent professi.

Utcunque vero *Medicorum & Chirurgorum* disjuncta & propria fuisse munera confitea mur, (quod tamen non generatim verum esse certissimum est) nullo tamen modo sequitur, *diversas* propterea eorum *conditiones*, aut *vitæ sortes* fuisse; sed in eo saltem temporis spatio, intra quod hanc nostram disputationem concluſimus,

simus ejusdem certe loci atque ordinis utrosque semper habitos esse apparet ; ni in *Urbe*, ut supra dixi, *bellicosa* verisimile magis videatur, *Chirurgos* seu *vulnerum medicos* majori potius in pretio fuisse : ex omnibus enim *Romanorum Veterum Medicis* duos potissimum Auctores nostri secernunt, quos *veros* ac *Germanos Chirurgos* fuisse affirmant, *Archagathum*, atque *Alcontem* ; eum, quod *Vulnerarius* ; hunc, quod *vulnerum Medicus* dicitur [*a*] : quorum alteri tantos sane honores, quantos nulli unquam *Medico*, *ante Cæsarum ætatem*, habitos cognovimus ; *Civitatem datam*, *tabernamque publice emptam* : Alter vero, sub *Claudio Imperatore*, in eorum numero a *Plinio* celebratur, qui maximos atque incredibiles fere quæstus ex arte sua confeciſſent. Habeant igitur homines nostri, si velint, quod tantopere contendunt, *istos* scilicet *duos*, *vere ac proprie Chirurgos* fuisse ; hoc tamen nobis concedere necesse erit, eos, si non majori, at pari saltem cum *cæteris Medicis* honore fuisse.

Sed de *Medicæ artis partitione* jam satis dictum opinor ; ad ea igitur pergamus, quæ de ipsa Quæstionis summa, de *servili* scilicet *Medicorum conditione Annotator hicce* disputat. Atque hic conqueri eum graviter, meque insimulare video ; quod *Medicos malitiosè deprimere studerem* [*b*] ; quod, *siquid in eos congerere*

[*a*] Plin. Hist. N. l. 29. 1. [*b*] Not. br. p. 23.

possem, de veritate non essem sollicitus [*a*]. Quod, *quæ de humillimas Medicinæ partes tractantibus dicta usquam reperissem, in universos artis Professores transtulissem* [*b*] : quòd, *ea de Medicis generatim asseruissem*, quæ [*c*] *non de Medicis Clinicis, nec Chirurgis quidem bonis, sed de Phlebotomis solummodo, Auricularibus, Herniariis, reunctoribus, enematumvè administratoribus* intelligi debere contendit.

Ego verò contra ; etsi de *Medicis Veteribus* alios aliis longe præstitisse sciam : Utque inter *Annotatorem*, qui *Medicinæ sese Doctorem* jactitat, scriptis verò Artem dedecorat, *Principesque illos viros*, qui non *Arti suæ* solummodo, sed *genti* etiam *toti* scriptis suis gloriam afferunt, immane quiddam discrepare videmus ; ita *Romæ* quoque nonnullos olim tum scientiâ, tum famâ, magnorumque familiaritate cæteris omnibus antecelluisse necesse est : hos tamen universos, cùm doctos, tùm indictos, cùm summos, tùm infimos, absque ullâ exceptione, *Græcos* certè aut *Peregrinos*, sed maximam longè partem *Servos & Libertos* fuisse, affirmare haud dubitaverim.

Etenim num omnino cuiquam credibile videri potest, magnos illos *Reipublicæ Romanæ Principes*, quos *Medicos Servos* in familiis suis semper habuisse cognovimus, non *Artis peritissimos quos-*

[*a*] Ib. 13. [*b*] Ib. 14. [*c*] Ib. 17.

quo-

que ex Asiâ; Græciâve conquisivisse, sed *Aricularium* solummodo, vel *reunctorem* aliquem domi apud se tenuisse? Num *Consules* ac *Imperatores*, quos *Medicos Servos* secum semper in provincias eduxisse legimus, *Phlebotomo* alicui vel *Unguentario* valetudinem suam commisisse putandum est? Num denique verisimile est, *Cæsarem Augustum*, cum *Germanico* in acie militanti *Medicum Servum unà cum C. Caligula* tunc infantulo mitteret, *enciatum* solummodo *administratorem*, annon *Medicum* potius gravem, fide & scientiâ præstantem, de *Servis suis* misisse? De hoc sane neminem præter hunc Annotatorem dubitare posse certò scio.

Ille verò huic meæ disputationi *Asclepiadis Medici* famam & dignitatem opponit. *Reputate, quæso*, inquit, *quantus vir fuit Asclepiades* [a] *quantam apud summos viros auctoritatem sit consecutus; adeo ut non gravaretur ille Romanæ eloquentiæ Princeps Cicero, cum, ut amicum suum concelebrare. Qui quidem honos summus haberi posset; ni major etiam ipsi contigisset: etenim a Mithridate, maximo Rege solicitatus est, ut ad illum veniret.* En verò alterum hominis specimen! qui *Ciceronis* amicitiæ & familiaritati, lucrum, stipendiumque a *Rege barbaro* oblatum honore anteponit. Sed *Asclepiadem* longè aliter sensisse videmus, qui maluit, in illa Urbis luce, laude & gratia apud *Optimates*, quàm apud

[a] Not. br. p. 8, 9.

Mithridatem opibus florere. *Asclepiadis* autem hujus honores, utcunque magnos eos fuisse concedamus, ad hanc tamen causam nequaquam pertinere contendo: de ejus enim conditione nihil fere memoriæ traditum habemus, nisi quòd *e levissima gente, & sine ullis opibus, ex Rhetore Medicus evaserit* [a]: & quantuscunque demum fuerit, nec nominis famâ, nec honoribus, vitæque splendore cum *Antonio Musa* conferendum existimo: quem tamen *servum* fuisse cognoscimus; atque *Asclepiadem* igitur nisi *hominem Romanum*, nisi non *servum*, nec *Græcum* fuisse *Auctor noster* probaverit, nihil omnino contra meam sententiam disputare a viris doctis censebitur.

Neque illa minùs futilia, minusve ab hac omni quæstione aliena, quæ de *Artis Medicæ fructu* olim ingenti, *opibusque Professorum* homo eruditus differit. *Legatis quæso*, inquit, *locum Plinii de quæstubus medicorum* [b]: quasi de *divitiis*, & non de *conditione Medicorum* disputatio nostra instituta esset: nos autem, ut ait *Cicero* [c], *neque divitiæ movent quibus omnes Africanos & Lælios multi Venalitii & Mercatores superarunt.* Sed noster hicce cum *Medicos suos divites* fuisse ostenderit, omnia se probasse putat; nec scire planè videtur, quod *Romæ* sæpissime contigisse legimus, magnorum scilicet

[a] Plin. Hist. Not. l. 26. 3. [b] Not. br. p. 15.
[c] Orator.

Viro-

Virorum tum *Libertos*, tum *Servos*, qui apud Dominos suos gratiâ florerent, ingentes sibi opes ac potestatem adipisci solere: quorum nonnullis *vel Prætoria interdum Ornamenta decerni legimus*; *tantùmque non cum laureatis fascibus remitti illo, unde cretatis pedibus advenissent* [a]; De quo quidem argumento, librum me alicubi vidisse memini, de *eis* scilicet *Servis* conscriptum; qui summam sibi auctoritatem, immensasque divitias ex *Servitute* confeciſſe a Veteribus memorantur, *Pliniusque*, in celebri illâ ad *Trajanum Oratione*, non dubitat dicere, *Imperatores ipsos, cum essent Civium domini, libertorum tamen fuisse servos.* Quid igitur, Vir ingenioſe, de his tantis Viris constituendum putas? Annon in *Servorum & Libertorum* propterea grege numerandos censes, quod gratia, opibus, auctoritate eos floruisse accepimus? Numve eadem planè omnia de *Divite tuo* cogitas, quæ *Stoici de Sapiente suo* jactitant, eum videlicet vel ex *infima sorte Nobilem*; vel *in Servitute Liberum* esse.

Vides jam opinor, aut si tu quidem minùs, at alii certe omnes vident *Notarum tuarum* futilitatem: Ego *Medicos Romæ degentes*, præsertim *ante Cæsarum ætatem*, aut *Servos* aut *Libertos*, aut *Peregrinos* saltem omnes fuisse disputo. Tu verò, qui *fundamenta mea* labefactas, qui me *Calumniatorem* appellas, quid

[a] Plin. Hist. Not. l. 35. 18.

tandem contra affers ? at contra *legatis quæso*, inquis, *locum Plinii de quæstubus Medicorum*. Nihil scilicet aliud ostendere conaris, ac *Medicorum* nonnullos *Artis famâ* floruisse, *magnos quæstus* fecisse, *Optimatibus caros* fuisse, idque non nisi *Cæsarum temporibus* ; quæ tibi omnia, absque ullo causæ meæ detrimento, lubens concedere possum.

Sed commoveri jam atque irasci planè hominem video, quòd *Sexaginta Solidos* pretium olim fuisse *Medicis servis à jure Civili* constitutum observassem : exclamat illicò, *an vobis hoc credibile est* [*a*] *? an quemquam ex Romanis creditis tam amentem fore, ut tantum hominem tam parvo pretio venderet ?* credere scilicet videtur *Vir doctus*, atque *Antiquitatis tantopere intelligens*, me de *nostris* omnino *solidis* esse locutum ; clausulamque illam, quam in Syngraphis adjungi viderat, hic quoque subintelligi debere existimat ; videlicet, *bonæ & legalis monetæ Angliæ*——Ut verò hanc ei molestiam aliquatenùs minuam, nec tàm acerbè posthac ferat *Artis suæ professores* tantulo olim venisse ; scire eum velim quicquid de *solidis istis* dixeram, de *Romanis prorsus solidis* esse intelligendum ; quorum singulos, ut nonnulli, atque optimi illi quidem Auctores, tradunt, *Sexdecim* circiter de nostris pretio æquasse reperio [*b*].

[*a*] Not. br. p. 16.

[*b*] Vid. *Arbuthnot* of Coins, *&c.* p. 163.

At majores adhuc *Medicus noster* clamores ciet, propterea quod *Medicinæ professionem Civis Romani gravitate seu existimatione indignam, Plinio Auctore* [*a*] *asseruissem. Quippe id*, inquit, *à solo Middletono apud Plinium legitur* [*b*]. *De indignitate autem Artis, apud Plinium nè verbum quidem ullum est; sed eam vocem* INDIGNAM *ad Plinii verba à bono Theologo adtextam videtis, quo vobis fucum faceret.* Atque eadem ferè omnia de hoc *Plinii* loco post *Annotatorem nostrum* iterat egregius iste *Responsionis Auctor*; miraturque *Middletonum curam attentiorem in Scriptis Veterum citandis atque explicandis non adhibuisse. Non enim*, inquit [*c*], *dicit Plinius (ut ille nobis persuadere studet) medendi Artem Romanos gravitate suâ indignam judicasse; nec qui eam attigerint, tanquam ad Græcos transfugas fuisse habitos. Neque vox* indignam *hic legitur, neque Voces, ad* Græcos transfugæ, *eo sensu dicuntur quem is confingit.* Quantum in utrisque consensum, quantam in me criminando concordiam videmus? Ego vero tantorum virorum conjunctos simul impetus haud unquam sustinere potero. Itane vero

[*a*] Solam hanc Græcarum Artium nondum exercet Romana Gravitas in tanto fructu. Pauciſſimi Quiritium attigere, & ipsi statim ad Græcos transfugæ: imo vero auctoritas aliter quàm Græcè eam tractantibus etiam apud imperitos experteſque linguæ non est. Plin. Hist. l. 29. 1. [*b*] Not. br. p. 18. [*c*] Resp. p. 49.

Viri ingeniosi? nihilne dicitis de *Medicinæ indignitate* apud *Plinium* reperiri? Quid igitur statuendum putatis, non dicam de *bono Theologo*, sed de *bonis istis Medicis* [a], qui Artis suæ defensionem *contra Plinium ipsum* susceperunt; qui de *Artis*, inquam, *dignitate* libros aliquot contra Plinium scripserunt? annon illos eadem omnia, ac *Middletonum*, *de Artis indignitate* apud eum legisse creditis? An eos quoque *voces finxisse* dicetis? Numve Vos tandem soli, *tales stulti*, *bardique* (ut *Annotatoris* verbis utar) reperiemini, ut quod alii omnes facilè vident, nec videre nec intelligere poteritis? Sed exclametis licet, quantùm volueritis; Ego contra contendo atque affirmo, *Plinium* hoc ipso in loco asserere, *Romanos* propterea *medendi Artem* neglexisse, nec ad eam exercendam ullo quæstu allici potuisse, quod *gravitate sua indignam* eam judicarint: pauciſſimosque illos qui *Plinii tandem ætate* ad eadem sese applicuissent, ad *Græcos transfugere*, id est, à *Græcis hominibus* artis præcepta petere, & vel *Græcè* loqui, scribere, præscriptaque Medica tradere fuisse coactos: quippe cum *Romæ* ab ipsis Artis primordiis, *Medicinæ omnis administratio* non nisi *Græcorum in manibus* versata esset; nulla planè Auctoritas aliter ac *Græcè eam tractantibus* etiam apud imperitos erat.

[a] Jo. Filesacus. Medicinæ defensio adversus Plinium majorem 8vo. Par. 1618. it. G. Kirstenius de Medicinæ dignitate contra Plinium & Platonem 4to. Stetini 1647.

Roma-

Romanos *autem homines* artium certè *Græcarum*, quàm maximè cupidos, atque avidos planè fuisse cognovimus; & quicquid *Græcia* habuerit quod *omnino expetendum esset*, *id studio & industria sua ad se statim transtulisse* [a]: eoque præterea ingenio fuisse; ut omnia *consequi potuissent*, *ut primum velle cœpissent*; nec consequi solummodo: sed à *Græcis ipsis accepta vel meliora etiam & perfectiora facere solere*, *siquæ*, ut ait *Cicero* [b], *digna statuissent in quibus elaborarent*. Itaque cum ex omnibus *Græcorum Artibus*, *Medicinam solam* eos neglexisse cernimus; quam aliam causam probabilem, vel omnino ullam excogitare aut fingere possumus, nisi quod *Civibus suis* nec *expetendam* nec *gravitate sua dignam* judicarint; quod *Plinius* profecto hoc ipso in loco verbis nullo modo dubiis aut obscuris declarat, cum dicat, *Hanc solam Artium Græcarum Romanam gravitatem vel tanto in fructu nunquam attigisse*. Itaque vox illa INDIGNAM quam Vos tantopere stomachamini, etsi in *Plinii* quidem verbis non reperiatur, ad sententiam tamen constituendam necessario requiritur: neque de voculis ego Auctorum, sed de sensibus omnino disputandum esse censeo: vestramque loci hujus interpretationem, nec *Plinii* mentem attingere nec sensum plane ullum continere dico. Quod dicit autem *Responsionis Auctor* voces eas, *ad Græcos Transfugæ*, non

[a] Cic. Tusc. q. 2. 2. [b] Ib. 1. 1. it. Ib. 4. 2.

eo

eo sensu accipi debere, quem ego confinxeram; ego sane quid sibi velit, non intelligo; nisi quòd calumniandi occasionem, cum nulla prorsus fuerit oblata, arripere studeat; quippe ego *vocibus istis* nullam omnino interpretationem sensumve meum dederam, sed nudas eas solummodo, ut in *Plinio* legantur, protuleram.

Atqui ad unicum jam libelli hujus locum devenimus, quo me cum aliquâ veritatis specie aut ratione probabili premere atque urgere *Annotator* videtur: scilicet quod *Suetonii* locum quendam ad causam meam detorsissem, & tum verba, tum sensus, aliter ac in Auctore eo reperiuntur, dedissem; quod an *incuriæ* seu *malitiæ potiùs meæ* tribuendum sit, postquam paulisper dubitaverit, *malitiæ* statim & *illi summæ* quidem assignat; *meque falsitate aperta incautos circumvenire in animo habuisse* insimulat [*b*]. Quis autem, præter *Medicastrum huncce, malitiæ exercendæ* causam, aut locum quidem ullum hac in re invenire potuisset? etenim hoc *Suetonii testimonium* si de *Dissertatione mea* penitùs tolleretur, num claudicaret ideo quæstio nostra? numve detrimenti omnino quicquam caperet? quid si hoc in loco *Medicos* in *Peregrinis* & non in *Servitiis* numerari fatendum sit? id num *Annotatoris causæ* omnino inservit? num meam debilitat; qui *Medicos*, partim *Servos*, partim *Libertos*, omnes tamen *Peregrinos* fuisse disputo? Si ex his, inquam, verbis *Medicos* de *Servorum*

[*b*] Not. br. p. 19.

gregè

grege fuisse minùs probetur ; nonne ex aliis permultis *ejusdem Suetonii* locis *Servos eos fuisse* aperte demonstratur ? itaque fatui plane hominis fuisset, malitiam ibi adhibere, ubi detecta infamiam certam inureret, celata vero nihil prorsus ad controversiæ summam conferret. Sicut autem *a malitiæ*, ita vellem sanè ab *incuriæ* & *negligentiæ* crimine memet æque defendere possem : sed ut fatear planè quod res est ; cum duos ad eandem rem Auctores in *Commentariolis notatos* haberem ; unum quidem, qui totidem planè verbis id quod posueram, significaret ; alterum vero, qui eidem aliquo modo favere, atque ex parte declarare videretur ; quemque idcirco notaram; nec verba tamen ejus descripseram ; præ nimiâ tandem festinatione & negligentiâ Auctores ipsos adire omittens, nec pluribus in re unâ testibus opus esse putans, eum quem minùs oportuit, *Suetonium* scilicet *Orosii loco* ad causam meam adhibui : quod *Responsionis* quidem *Auctor*, mihi licet aliàs haud satis æquus, hoc tamen in loco fieri necesse esse agnoscit [*a*]. Id vero in re tam apertâ, tamque parum ad controversiæ summam pertinente, an *incuriæ* seu *malitiæ* potiùs tribuendum sit, haud opus est pluribus ostendere : illud tantummodo dicam ; quod etsi plures etiam hujusmodi errores in *Scriptorum verbis exponendis Auctores nostri* aliàs sæpe, idque satis fidenter mihi objiciant, illos tamen, quoties

[*a*] Resp. p. 81.

exemplis

exemplis rem illustrare aggredientur, inscitiæ toties suæ aut malitiæ Argumenta præbituros.

Annotator autem *noster*, tanquam causam jam omnem expediisset, controversiamque penitùs absolvisset; *Minimi*, inquit, *momenti sunt reliqua, quæ a Middletono prolata sunt*, &c. [*b*] & *permulta talia sunt, quæ vos ipsi nè quidem digna refutatione censebitis* [*c*]. At nullius igitur ponderis esse credis, tot illa Scriptorum veterum testimonia, quæ *Medicos Romæ degentes, Servos* maximam partem fuisse clare atque aperte declarant? num minimi momenti esse, nec refutatione quidem digna putas, tot illa *genuinæ vetustatis monumenta*, tot *antiquas inscriptiones*, quæ plurima nobis *Medicorum Servorum* nomina ad hæc usque tempora conservant? numve illa omnia minus propterea Auctoritatis apud lectores habitura existimas, quod ad ea Tu ne verbum quidem unum respondere fueris dignatus?

Pergit tamen more suo, *Vir egregius, ad aliam*, uti ait [*d*], *Middletoni calumniam refellendam, qui negat, Medicinam inter liberales artes apud Romanos haberi:* ad *Middletonum* igitur redarguendum loca quædam *è Jure Civili* profert, quæ probant, non id quidem ullo modo quod oportuit, *Medicinam* scilicet *in Artibus Liberalibus* numerari; sed illud solum-

[*b*] Not. br. p. 19. [*c*] Ib. p. 23.
[*d*] Ib. p. 20.

modo,

modo, quod omnes scimus, & concedimus, videlicet, *Medendi Artem* juxta ac *Artes Liberales* immunitatibus & privilegiis ab *Imperatoribus* tandem auctam & munitam fuisse. Atque hæc dum scribit, videt ille quidem, quam nihil prorsus ad suam causam pertineant, & fateri aperte cogitur, *Artem Medicam* [*a*] a *reliquis Artibus Liberalibus quodammodo segregari & distingui*; *eamque apud Veteres non tam in studiis liberalibus, quæ ab ingenuis colebantur, quam in Artibus necessariis haberi:* quis autem hominem unquam tam petulantem, tamque absurdum simul vidit; qui argumenti sui initio *Middletoni calumniam* id esse dicit, quod antequam locum ipsum dimittat, *verum* omnino esse agnoscit? nec quicquam sane hoc in loco acutius meliusve sese gessit *Responsionis Auctor*, sed eadem fere omnia protulit; & postquam contra sententiam meam, idque multis quidem verbis, disputaverit; fatetur tandem per *Artes Liberales* eas præcipue ab Auctoribus intelligi, *quibus ingenui pueri in scholis institui solebant*; *nec nisi posterioribus seculis Jurisconsultos tam lato sensu Liberales Artes accepisse, ut Medicinam quoque eo nomine complecterentur* [*b*]. Sed de hoc omni *Artium Liberalium* genere alium mox dicendi locum, atque eum magis quidem opportunum, habebimus; cum *Rhetorem nostrum* in *Cicerone* ad suam hac in re sententiam interpretando, turpiter lapsum demonstrabimus.

[*a*] Not. br. p. zz. [*b*] Resp. p. 74.

Annotator autem interea, tanquam Victor e certamine rediens, triumphum plane agere, & *Middletonum* currum suum sequentem, catenisque vinctum *Medicis suis* ostentare sibi videtur. *Jam satis demonstratum*, exclamat, *quàm futilia atque etiam falsa pro gravibus & certissimis argumentis habuerit Middletonus*; *quàmque facilè refutentur ea, quæ in Medicos tanto studio congessit. Etenim testimonia ejus præcipua, vel Clinicos quos deprimere tantopere studet, minime attingentia, vel omnino per incuriam depravata, per malitiamve ficta, vel denique Veterum testimoniis certissimis contraria deprehendistis* [*a*]. Hujusmodi autem exclamationibus, haud sane expectandum erit, ut quidquam omnino respondeam; cum nihil certe aliud requiritur ad vanitatem hominis ostendendam, quam ipsius verba referre atque exponere, sin autem inventi aliqui sint, istiusmodi ingenii homines, qui ejus vel *disputandi acumen* vel *scribendi stilum* probare possunt; siqui, inquam, sint, qui *Notis hisce brevibus* eum quidquam prorsus aliud demonstrasse credant, ac suam ipsius ignorantiam, temeritatem, malevolentiam; istiusmodi certe hominibus ego nec satisfacere curo, nec mea omnino placere cupio.

Me tamen *homo facetus* deridendum [*b*] proponit, propterea quod *Græci Tragici* versiculo *Romanorum hominum* consuetudinem quandam demonstrare essem aggressus: de *Servis scilicet*

[*a*] Not. br. p. 23. [*b*] Ib. p. 24.

ab iis studiis atque Artibus quibus ipsi delectabantur, lege arcendis: nonne verò *Romani etiam Poetæ* testimonium ad rem eandem confirmandam adjeci? idque nonne omnium recte ac dilucide disputantium est, quam rem susceperint probandam, eam rem primùm universe veram, aliarumque gentium notionibus consentaneam, deinde apud eos homines præcipue de quibus quæstio instituitur, in usu fuisse ostendere? Sed *Annotatori* hic quoque subsidio venit *Responsionis Auctor*, & *Terentium*, quo auctore usus essem, ad *Atticorum solummodo, non ad Romanorum mores respicere affirmat* [a]: quasi non perinde ac *in Græcia*, ita *Romæ* etiam eandem legem obtinuisse constaret; ubi *Servos* non a *causis modo orandis*, sed vel a *testimonio dicendo* prohibitos cognovimus. Sed de objectionis hujus futilitate pluribus mox disputabimus, cum illuc pervenerimus, ubi *Plauti* etiam in re consimili testimonium *Auctorem nostrum* rejicere cernemus.

Dixeram autem in *Dissertatione meâ, nullam per aliquod secula de Medicinâ, tanquam de re humili nimis atque abjecta, a Scriptoribus Romanis mentionem fieri:* atque alio loco; *Græculos eos, qui Romam sese Medicinæ exercendæ causâ contulissent, etsi liberos quidem nonnullos fuisse concedamus, generatim tamen humilis seu potius infimæ sortis homines fuisse.* Id homini stomachum

[a] Resp. p. 60.

movere

movere video ; quæritque a me, *quonam Scriptorum Veterum testimonio, id mihi affirmandum sumam, idque nullo prorsùs Auctore, sed ex propriâ scientiâ me posuisse dicit : mihi autem fidem non habendam, quippe qui dudum mala fide egerim* [a]. Quasi id omnino testimoniis egeret, quod per se clarum & perspicuum esset ; quasi, inquam, non sensus communis omnes præter hunc unum docuisset ; *de qua scilicet re monumenta plane omnia silent ; nec Historici mentionem ullam faciunt, eam rem aut omnino non exstitisse, aut nihil saltem celebratione seu memoria dignum suppeditasse.*

Atque idem etiam hoc in loco *Responsionis Auctor* a me quærit, *quo scilicet argumento Medicos hosce liberos, humilis atque abjectæ conditionis fuisse demonstrem* [b]. Illud vero nonne per se quoque æque perspicuum est ? nonne id, inquam, ratio sensusque communis evincunt, homines illos, qui *quæstus victusque quærendi causâ, de patria sua in alienam migrant, humilis seu infimæ potiùs sortis maximam partem esse ?* num divites, num beati, num famâ atque opibus florentes natale solum exilio mutare solent, ut lucrum sibi apud exteras gentes non sine probro atque odio conficiant ? num *Græci* præcipuè hoc omnino facere voluerint, qui omnium longè maximè patriam cùm suam amaverint, tum alienas contempserint ? etsi verò me *nullius om-*

[a] Not. br. p. 25. [b] Resp. p. 62.

ninò

hino Auctoris sententiam ne detortam quidem fictamvè ad opinionem meam confirmandam protulisse Annotator affirmat [a]; nonne Plutarchi tamen [b] verbis clarissimis ostenderam, *totam Græcorum gentem odio & contemptui Romanis fuisse, ipsumque* nomen *Græcus* a plebe semper in ore *convitii loco* haberi & jactitari solere?

Sed *quid hoc ad Medicorum conditionem Responsionis auctor* ait, si *mos esset Romanæ plebeculæ, Græcorum gentem ita tractare* [c]? Tu verò cum *Medicos tuos* & *Græcos* & *Romæ* tamen *honoratos* & *splendidos* fuisse disputas; nonne contra sententiam tuam vim aliquam habere videtur, quòd ostenderam, *Græcos* plane omnes, qualiscunque fuerint Artis aut conditionis, *Romæ* non nisi in *probro & dedecore* versari: & quam aliam ob causam hoc fieri putandum est, nisi quod id hominum genus egenum, sordidum, esuriens, *populus Romanus* semper cognovisset. Num cuiquam igitur præter *auctores nostros* verisimile videri potest, *Principes Græcorum Medicos*, gratiâ apud suos & dignitate florentes, atque *amplissima fortuna usos*, *Romam* quæstûs causâ migrare velle, ut tam iniquâ conditione viverent, ut sibilis & contumeliis a plebe exciperentur?

[a] Not. br. p. 25. [b] Differt. p. 9.
[c] Resp. p. 63.

Annotator autem, postquam in sententia mea refutandâ tantum frustra laboris consumpserit; videt tandem atque apertè fatetur, hanc meam disputationem non modo *dedecoris nihil*, sed *laudem* potiùs & *gloriam Arti Medicæ* afferre, quæ *Professores suos ex ignobili illo servitutis statu, ad libertatem sæpissime atque honores evehere soleret* [a]. In quo tandem uno utrique facilè consentimus; etenim hunc ego honorem nec *Medendi Arti* invideo, nec quicquam contra disputare aggrediar: vellem solummodo, hoc idem initio homo vidisset; nec sibi quidem tam turpiter scribendi infamiam, nec mihi tam ridiculi hominis castigandi fastidium peperisset: quippe non odium certe aut reprehensio ulla, sed gratiæ mihi potiùs a *Medicis* debentur, qui eam causam defenderim ac probarim, quam *Arti suæ* honorem laudemque adjungere fatentur.

Sed *ab ipso Cicerone jamdudum*, inquit [b], *dijudicata est hæc controversia, locusque suus Medicinæ tributus, neque primus is quidem neque secundus, at medius certe*, &c. *tantum rogo ut sententiam ipsam, non ut apud Middletonum discerpitur sed integram legere dignemini*, &c. Oh hominem omnium sane sagaciſſimum! qui inter *Primum & Secundum*, *Medium* quiddam Princeps invenerit! Egonè verò *Ciceronis* lo-

[a] Not. br. p. 26. [b] Ibid. p. 26.

cum

cum illum discerpsi, qui omnia quæ ad quæstionem nostram pertinerent, integrè quidem ipsissimisque ejus verbis protuleram? quippe cum de *Medicina sola* hæc omnis disputatio institueretur, quid mihi cum reliquis *iis Artificiis*, a *Cicerone* enumeratis; *Coquis*, *Mercatoribus*, *Agricolis*, &c. rei esset planè non videbam. Ille verò postquam hæc omnia in *Notas suas breves* integra transtulerit; *habetis hic*, inquit, *plenam atque apertam Ciceronis sententiam*, *quam filii instituendi gratiâ posuit*, &c. existimat forsitan *Vir bonus*, hæc ad *Filium* ideo scripsisse *Ciceronem*, ut artem aliquam ex ibi memoratis, *Medicinam* scilicet seu *Mercaturam* adolescens sibi exercendam deligeret: sed optimo, fateor, consilio, longam hanc *Ciceronis* periodum, etsi nihil quidem ad rem spectantem, huc tamen integram traduxerit, ut *sensus* tandem aliquis atque *Oratio pura*, quæ in reliquo suo opere requiruntur, in *tribus saltem pagellis* hisce reperirentur.

Ciceronem autem quandoquidem is appellat, cujus quidem Auctoritate nihil mihi sanctius esse potest, eum nobis Judicem constituamus: atque omissis iis, quæ de *cæteris*, ut dixi, *artibus*, nihil ad nos pertinentibus, hoc in loco differat; *Medicinæ* solummodò quem locum gradumve assignet unicè consideremus: *quibus autem Artibus*, inquit Cicero, *aut prudentia major inest*, *aut non mediocris utilitas*, *ut Medicina*, *&c. hæ sunt iis*, *quo-*

rum Ordini conveniunt, honestæ. Hic vero quantum, *Dii boni*, eruditionis, quantum doctrinæ reconditioris *homo noster* ostentat? etenim *Asconium Pedianum*, *Manutiosque ambos* [a], *Paullum atque Aldum* testes adhibet, Vocem eam, ORDO, *dignitatis alicujus* significationem continere; atque ad *Senatum*, *Equitesve* ad minimum, ad *plebem* vero nullo modo referri oportere: *Servorum* vero & *Libertinorum* non *Ordinem* sed *conditionem* dici solere: atque eum hac saltem vice felicem fateamur necesse est, quod magnorum tandem nominum auctoritate nugari sibi contigit. Hoc autem omne quod tam erudite differuit, si alias verum interdum esse concedamus; nonne videt tamen *Vir egregius* quàm hoc in loco non solum *Ciceronis* sed *suæ* etiam *ipsius* sententiæ contradicat; etenim num nobis hac suâ eruditione persuadere vellet, *medendi Artem*, iis temporibus *Senatorio* seu *Equestri saltem Ordini* fuisse honestam? at nemo unquam tam temerarius fuit ut id diceret: neque is ipse *ea audacia*, *eoque Artis amore* id quidem vel mussitare audet; sed aperte fatetur, nec *Primum* nec *Secundum* dignitatis gradum *ad Medicos* pertinere, sed *Medium*, ut supra dixi, *nescio quem*. Sicut autem nec *Senatorem* nec *Equitem* unquam temporibus illis *Medicinam* exercuisse certissimum est; ita nec *de plebe magis aliquem* nec *Civem omnino ullum* eam

[a] Not. br. p. 28.

attigisse

attigisse contendo : neque illi omnes, qui hanc sententiam impugnaverint, vel *unum* quidem *hominem Romanum*, qui *Medicinam*, *ante Cæsarum ætatem*, fuerit professus, ostendere unquam potuerint ; quod quidem vel *Responsionis Auctor* fateri plane cogitur, nec *ullum ante eam ætatem de Romanis Medicum* extitisse concedit [*b*] : itaque quid nobis aliud relictum est hominum genus, de quo *Cicero* loqui intelligatur, cuive Vox illa, ORDINI applicetur, quàm, quem ipse dixeram, *Servorum*, *Libertorum* & *Peregrinorum* Ordo ?

Vides jam, opinor, non temere me ac fortuito, sed re prius perpensâ & consideratâ, ad *Ciceronem interpretandum* accessisse : Vides, inquam, istam tuam eruditionem, etiamsi vera nonnunquam esset, in hac tamen causâ nec locum ullum habere, nec lucis quicquam afferre : sed quid tandem dices, si *futilem*, *falsamque eam* prorsus esse ostendero ? etenim ex multis *Scriptorum Veterum* locis probare facile possum, Vocem mea, ORDO, apud *optimos Latinatis Auctores* nihil aliud significare, ac *certum quodlibet hominum genus*, *communi aliqua vitæ sorte*, *vel abjecta atque infima* utentium.

Conveni *hodie hominem mei loci atque Ordinis* [*c*].

[*b*] Resp. p. 164. it. p. 220. [*c*] Ter. Eun. 2. 2.

Nonne hoc de homine squallido & miserrimo à *Gnathone Parasito* dicitur? *Ciceronem* etiam ipsum, quem nobis *judicem* constituisti, hanc eandem vocem non *Senatui* modo *Equitibusve*, *sed Plebi* quoque sæpissime & *Libertinis interdum ipsis*, abjectæque sortis hominibus, *Apparitoribus & Scribis* [*a*] applicare memini. Item in Inscriptione quâdam Sepulchrali mulier de marito loquens.

Qui *mé ab imo Ordine ad summum perduxit honorem* [*b*].

Homo autem *noster*, qui *Auctorum verba discerpendi* atque *aliena adtexendi* crimen mihi objicit, videamus jam qualem tandem ex hoc omni *Ciceronis* loco sententiam extorserit. *Utique huc tandem*, inquit, *res redit*, MARCUS TULLIUS CICERO AIT, MEDICINÆ PROFESSIONEM, HONESTO CIVIUM ORDINI DECORAM ESSE; CONYERS MIDDLETON NEGAT; EAMQUE ESSE SORDIDAM, ILLIBERALEM, CIVE PRORSUS INDIGNAM AFFIRMAT: UTRI CREDITIS QUIRITES [*c*]:

Quis jam non summam *hominis* vel inscitiam,

[*a*] In Pison. 8. In Catal. 4. 8. In Verr. 1. 47. In Verr. 3. 78. [*b*] Gruter. p. 353.
[*c*] Not. br. p. 29.

tiam, vel temeritatem, vel utrumque potiùs admirabitur, qui hunc locum aut tam parùm intellexerit, aut tam fœdè corruperit? ille tamen, quaſi impudentia gloriaretur, hoc *ingenii ſui commentum*, tanquam *legis*, aut *Senatus Conſulti* vim obtineret, *literis majuſculis* deſcribendum curavit. At in hoc omni *Ciceronis* loco, num de *ullo omninò Civium Ordine*, nedum *honeſto aliquo*, verbum quidem unum reperitur? num *Medicinæ profeſſio*, *Romanis omnino hominibus* convenire dicitur? nihil certè minùs: nec quicquam ſanè aliud, ex verbis ipſis elici aut intelligi poteſt, ac *Artes eas humiliores*, iſti hominum generi, cui propter *vitæ ſortem* convenirent, laudem quandam & decus afferre; quod de *Servis*, *Libertis*, & *Peregrinis* prorſus accipiendum eſſe abundè demonſtravi.

Sed quoniam *Ciceronem* appellavimus; quid de verbis iſtis exiſtimandum putas, ubi is *ingenui nihil ex Officina prodire poſſe affirmat?* nonne id *Medicos* aliquo modo attingere credis, quos omnes *Officinas ſuas* habuiſſe notiſſimum eſt? de illo itidem altero, quem tu *veriſſimum eſſe* dicis, quid cogitas? ſcilicet, *Honos alit artes*, *omneſque incenduntur ad ſtudia gloria*, *jacentque ea ſemper*, *quæ apud quoſque improbantur* [*a*]. Etenim ſi quod omnes plane fatentur, nec honores ulli *Medendi Arti*

[*a*] Not. br. p. 31.

constituti, nec ad studium ejus promovendum *gloria ulla* ante *Cæsarum ætatem* fuerit unquam proposita; tum, *Cicerone ipso judice, jacuisse eam* ac *contemptam prorsus fuisse* necesse est.

Sed ad *Responsionis jam Auctorem* nosmet convertere necesse est, qui hunc itidem *Ciceronis* locum in librum suum idcirco transtulit, *ut me non minus*, uti ait [*a*], *In Ciceronis ac in Plinii ante verbis exponendis lapsum ostendat*: in hoc autem loco interpretando, quod vix fieri posse credideram, *vel Annotatore ipso* stultiorem sese longe ac leviorem præbuit: disputat enim *Vir Eruditus*, *Ciceronem* ibi de pervulgata ea *Artium partitione*, *in* LIBERALES *proprie ita dictas*, *seu* INGENUAS, *ut Cicero eas alibi vocat*, *ac* ILLIBERALES *seu* SORDIDAS *tractare proposuisse* [*b*]: atque *hanc Artium divisionem tam clare & aperte exposuisse ut mirum profecto videatur*, *eam quemquam effugere potuisse* [*c*]: a *Sordidis* autem *Cicero-*

[*a*] Resp. p. 53. [*b*] Ib. p. 54. it. 74.

[*c*] Ib. 57. ut clariùs quod disputemus intelligatur, verba ipsa Ciceronis huc etiam apponenda duxi — Jam de Artificiis & quæstubus, qui liberales habendi, qui sordidi sint, hæc fere accepimus: primum improbantur ij quæstus, qui in odia hominum incurrunt, ut Portitorum & Fœneratorum. Illiberales autem & sordidi quæstus mercenariorum omnium, quorum operæ non quorum artes emuntur; est enim illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui mercantur

Ciceronem incipere, eaſque omnes percurrere dicit, uſque *ad Saltatores, totumque ludum talarium*; deinde quo res tota explicatior fieret, non *Ciceronis* ſed ſua quædam verba homo acutus interponit; [*hactenus de Sordidis, jam ad liberales venimus*] reliquaſque deinceps ibi enumeratas *liberalium* in numero *Ciceronis auctoritate* habendas affirmat; videlicet *Medicinam*; *Architecturam*; *Doctrinam rerum honeſtarum*; *Mercaturam*; *Agriculturam.*

mercantur a mercatoribus, quod ſtatim vendant, nihil enim proficiunt, niſi admodum mentiantur: nec vero quicquam eſt turpius vanitate. Opificeſque omnes in ſordida arte verſantur. Nec vero quidquam ingenuum poteſt habere officina. Minimeque Artes probandæ, quæ miniſtræ ſunt voluptatum; cetarii, lanii, coqui, fartores, piſcatores, ut ait Terentius. Adde his, ſi placet, unguentarios, ſaltatores, totumque ludum talarium. HACTENUS DE SORDIDIS: JAM AD LIBERALES VENIMUS. Quibus autem Artibus aut prudentia major ineſt, aut non mediocris Utilitas quæritur, ut Medicina, ut Architectura, ut Doctrina rerum honeſtarum; hæ ſunt eis, quorum ordini conveniunt, honeſtæ. Mercatura autem, ſi tenuis eſt, ſordida putanda eſt; ſin magna & copioſa, multa undique apportans, multiſque ſine vanitate impertiens, non eſt admodum vituperanda; atque etiam, ſi ſatiata quæſtu, vel contenta potius, ut ſæpe ex alto in portum, ex ipſo portu ſe in agros, poſſeſſioneſque contulerit, videtur optimo jure poſſe laudari. Omnium autem rerum, ex quibus aliquid acquiritur, nihil eſt Agriculturâ melius, nihil uberius, nihil dulcius, nihil libero homine dignius. Cic. de Off. l. 1. 42.

Quis

Quis autem, si *Diis placet*, tam ridiculum unquam *Artium Liberalium* catalogum antea vidit? quis præter *Auctorem nostrum* ejusmodi illarum *Corpus quoddam* effingere potuit; de quibus ne unam quidem in *Liberalibus* unquam haberi reperimus? Artes enim istæ modò memoratæ, si in *Liberalibus* habendæ sunt, tunc *Ars illa Agricolarum* omnium longe *liberalissima* esset, utpote omnium maxime hoc in loco laudata, liberisque hominibus commendata: quod quidem homo noster fatetur, *eamque ex omnibus speciatim seu præcipue liberalem esse* dicit [*a*]. Sed tantum abfuit, ut *Agriculturam* Cicero unquam in *Artium Liberalium* numero ponendam existimaret, ut eam ipsam, tanquam *ab omni politiori elegantia abhorrentem, ab Artibus ingenuis ac elegantibus* quàm longissime sejungat [*b*].

Instat autem *Responsionis Auctor*, & *Medicinam* cum *Doctrina rerum honestarum* hoc in loco conjungi dicit, nec me tam temerarium fore credit, ut *doctrinam rerum honestarum Servis* convenire posse contendam [*c*]: at quicquid ille contra disputet, contendam tamen, vel *eam* quoque *Servis* competere posse. Quid enim aliùd per *doctrinam rerum honestarum* intelligi poterit, ac *munus ipsum, professioque*

[*a*] Resp. p. 54. [*b*] Cic. de Fin. l. 3.
[*c*] Resp. p. 57.

res

res honeſtas docendi ? at harum plerumque doctores, *Rhetores* ſcilicet, *Grammaticos*, *Pædagogos*, ex *Servorum grege* fuiſſe cognovimus: quamvis enim *res ipſæ*, quas docebant, *honeſtæ & liberales* cenſebantur, docendi tamen munus Romæ ſaltem haud ullo fere in honore fuiſſe accepimus.

Ut hominis autem noſtri inſcitia clariùs appareat; loci hujus ſententiam tandem veram, ſenſumque paucis exquiramus. Atque id primum de *Artium Liberalium notione* ſciendum eſt; illas ſolummodo in earum numero a Veteribus cenſeri; non quæ *victus quærendi*, *lucrive faciendi* cauſa, ſed *animi erudiendi*, *delectandive* gratia excolebantur; atque ex quibus non *quæſtus aliquis*, *Utilitaſve ad vitam neceſſaria*, ſed *libera quædam animi oblectatio* quærebatur. Quam quidem earum veram propriamque eſſe definitionem arbitror: & quoties de *quæſtuoſis illis* aliquas, *minuſve ingenuis*, *Liberales* tamen aliquando dici reperiamus, id nonniſi *improprio vocis uſu*, *& laxiori quodam ſenſu* accipiendum, atque, uti hoc in loco, haud aliud indicare intelligendum eſt, ac ejuſmodi *Artes* a *probroſis & turpibus* diſtingui, atque iſti hominum generi, *cui conveniant*, honeſtas eſſe.

Hoc igitur loco *Ciceronem*, uti primo plane aſpectu perſpicuum eſt, de *Artibus revera & propriè liberalibus* nec verbum quidem ullum feciſſe, nec omnino cogitaſſe dico: differit ſolummodo

lummodo de *Artificiis* seu *quæstubus* istis, unde *lucrum conficiebatur*, atque *aliquid adquiribatur : sordidas* primum enumerat, easque omnes, quæ nonnisi cum probro, ac turpitudine quadam conjunctæ videntur ; deinde ad *honestiores* progreditur ; *Medicinam*, *Architecturam*, &c. quas *Ordini*, *cui conveniant*, non probrum aliquod, sed decus potius, laudemque afferre significat ; & concludit denique ; *omnium autem rerum* ex quibus aliquid adquiritur, *nihil esse Agricultura melius*, *uberius*, *dulcius*, *nec libero homine dignius*. Videmus jam, opinor, quo sensu *Agriculturam* tantopere laudet ; non ut *Artem liberalem*, *aut ingenuam*, sed de *quæstuosis istis* solummodo, ex *quibus aliquid adquiritur*, optimam & homine libero digniſſimam.

Artes autem, ut supra dixi, *liberales* a toto illo *genere quæstuoso* sejunctas semper esse notissimum est, *eoque liberaliores* haberi, quo a *quæstu & lucro omni* remotiores essent : quod quidem, cùm ex multis *ipsius Ciceronis* locis demonstrari potest, tum ex eo potissimum, ubi ex *Pythagoræ* sententia, vitam hominum mercatûs cujusdam celebritati comparari ait [*a*]. *In quem*, *uti alii emendi aut vendendi quæstu & lucro ducerentur*, *alii vero*, *iique vel maximè ingenui*, *nullum lucrum quærerent*, *sed visendi solummodo causa venirent*, *studioseque perspice-*

[*a*] Tusc. qu. l. 5. 3.

rent,

rent, quid ageretur; sic in vita & studiis hominum accidere solere disputat: nam *ut illic liberalissimum esset spectare nihil sibi acquirentem*; *sic in vita, ea longè studia excellere, cæterisque omnibus præstare*, quæ nulla *quæstus aut pecuniæ* spe proposita, in rerum *cognitione & contemplatione* versabantur. Atque hinc jam quivis facile judicabit, quanti *Rhetor noster* ingenii fuerit; quàm in Veterum scriptis evolvendis diligens: quam in interpretandis acutus; quamque ad Eruditorum controversias dijudicandas instructus accesserit; quàm denique verum vel nunc etiam illud ipsum sit, quod *Ciceronem* alicubi indicasse memini; nihil scilicet magni aut solidi unquam ex *Rhetorum Officinis*, sed *Academiæ solummodo spatiis* extitisse.

Sed ad *Annotatorem* tandem *nostrum* revertamur, qui hac *sua velitatione* quasi defatigatus, nec in aciem ipsam dimicationem descendere ausus, receptui canere incipit, & *dimittamus jam*, inquit, *Theologum undique doctissimum*; *reliqua persequantur* ii, *quibus otium est*, *quique fuerint diutius in Antiquitatis cognitione versati* [*a*]. Quorum alterum, Præclare Annotator, Tibi facile concedam, *Antiquitatis* scilicet *cognitione* Te ab aliis certe quibusvis superari; alterum vero nunquam Tibi dabo; *otio* quemvis alium *plus Teipso* abundare: qua enim in re Te tantopere occupatum existimare possumus?

[*a*] Not. br. p. 30.

num

num literarum studiis? at *egregium hocce opusculum tuum* nos id omnino putare vetat; Teque in bonis literis, bonisque artibus hospitem esse declarat. Num professionis tuæ muniis, ægrisve obeundis? at quisquam tam vitæ prodigus invenitur, qui Tibi ea ignorantia simul ac temeritate valetudinem suam committere audeat? Sed singularem hominis modestiam hic etiam obiter notare libet. Quippe is, *occupationibus* licèt distentus, nec *in Antiquitatis cognitione* versatus, mea tamen omnia, quæ *præcipua tibi visa* sunt, sibi ipsi refutanda atque evertenda suscepit; reliqua vero, quæ ne *minimi quidem momenti*, *nec refutatione digna* pronuntiat [*a*], iis tamen persequenda relinquit, qui *otio abundant*, qui *rerum antiquarum scientia* excellunt.

Ut verò cum primis, ultima tandem consentiant; cum nihil aliud *Notæ hæ breves* ac summam hominis malevolentiam, cum pari sanè stultitiâ conjunctam ostenderint; *velim autem*, inquit [*b*], *existimet Vir Eruditus*, *ea quæ à me contra ejus sententiam libere dicta sunt*; *non esse eo animo dicta*, *quod aliquam in illum contumeliam jacere cuperem*, *sed quia veritatem*, *quæ ab ipso obscurata quidem est*, *quantum potui patefacere studerem*. Tu vero, num vel *unam* demum nobis *veritatem patefeciſti?* numvè *unam* aliquam *calumniandi occasionem* prætermisisti? quippe ea,

[*a*] Not. br. p. 23. [*b*] Not. br. p. 31.

Vir

Vir probe, annon *contumelia* est ; *Theologiæ Professorem*, *Mendacem*, *Malevolum*, *Calumniatorem* ubique appellare ? annon id, inquam, quàm maximè *contumeliosum* ; hominem liberalitèr educatum insimulare ; quòd *falsitate alios circumvenire studeat* [*a*] ; quod de locis ex auctoribus citatis, *nonnulla audacter mutaverit* [*b*] ; *alia malitiosè confinxerit* [*c*] ; *aliis verba aliena adtexerit*, *quo fucum faceret* [*d*] ; *quod de veritate nihil sit sollicitus*, *dummodo convitii aliquid congerat* [*e*] ; *quod fide nullâ dignus sit*, *propterea quod mala fide egerit* [*f*]. Quippe hujus generis omnia, si vera prorsus essent, parcius tamen objici, nec tam apertè dici solent ; cum autem sint falsissima, & tam libere tamen profundantur, non verbis solummodo & disputatione castigari, sed legibus pœnisque potius coerceri merentur.

[*a*] Ib. 19. [*b*] Ibid. [*c*] Ib. 23.
[*d*] Ib. 18. [*e*] Ib. 13. [*f*] Ib. 24.

THE

A

TREATISE

ON THE

ROMAN SENATE.

In TWO PARTS.

The FIRST PART contains,

The ſubſtance of ſeveral letters, formerly written to the late Lord HERVEY, concerning the manner of creating SENATORS, and filling up the vacancies of that body in OLD ROME.

The SECOND PART, which is now added, contains a diſtinct account,

I. Of the power and juriſdiction of the SENATE.
II. Of the right and manner of convoking it.
III. Of the places, in which it was uſually aſſembled.
IV. Of the legal times of holding their aſſemblies.
V. Of the different ranks and orders of men in the SENATE, and of the forms obſerved in their deliberations.
VI. Of the nature and force of their decrees.
VII. Of the peculiar dignity, honors, and ornaments of a ROMAN SENATOR.

A

TREATISE

ON THE

ROMAN SENATE.

PART the FIRST.

THE late Lord *Hervey*, who had long honored me with very diſtinguiſhing marks of his friendſhip, took occaſion in one of his letters, about twelve years ago, to aſk my opinion, on two or three points, relating to Claſſical antiquity, and eſpecially, *on the manner of creating Senators, and filling up the vacancies of the Senate in Old Rome*; on which M. *Vertot's* anſwer to the ſame queſtion, when it was propoſed to him by the late Earl *Stanhope*, had not given him ſatisfaction.

In compliance therefore with his Lordſhip's requeſt, I preſently ſent him my thoughts, on the other points, above intimated; and, in a ſeparate letter, endeavoured to explane the ſtate of the *Roman* Senate, from that time, in which the commons of *Rome* firſt opened their way to the public honors of the city, till the final oppreſſion of their liberty, which I obſerved to be the period, to which Earl *Stanhope's* queſtion was particularly referred.

But my ſhort account of the matter did not anſwer the purpoſe of Lord *Hervey's* inquiry, nor ſolve the particular difficulties, which ſeemed to him to perplex it. He reſolved, therefore, to take the pains of ſearching into it himſelf, and of tracing out the origin, and progreſs of the Senate, from its firſt inſtitution by *Romulus*, down to the reign of *Auguſtus:* the reſult of which was, that his opinion at laſt happened to differ from mine, which he explaned with great eloquence, and enforced with great learning, drawn from the principal writers on the *Roman* affairs, both *Greek* and *Latin*.

Here then was a controverſy, unexpectedly ſtarted between us, and ſeveral letters exchanged upon it. And I could heartily wiſh, that all controverſies of the ſame kind, were carried on with the ſame ſpirit. For though each of us eſpouſed a different hypotheſis, from which neither at laſt ſeemed willing to depart, yet this adherence to our ſeveral opinions, gave not the leaſt ſhock to our friendſhip, but rendered it more agreeable ſtill on both ſides, as being grounded on that ingenuous freedom and indulgence to each other's way of thinking, without which, no friendſhip can either be valuable or laſting.

As the ſubject of theſe papers has not been profeſſedly treated, by any of the Ancients; nor, in my opinion, ſufficiently explaned, by any of the moderns, ſo I flatter myſelf, that the publication of what I had collected upon it,

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in the defence of my hypothesis, may be of some little use or entertainment to the curious: as it exhibits a more distinct idea, than will easily be found elsewhere, of the genius of the *Roman* government in general, as well as a more precise illustration of the constitution of the *Roman* Senate; which may be called, *the soul or vital principle* of that mighty republic [1], and what gave birth and motion, to all those celebrated acts, which were successively produced in it.

In answer therefore to the question abovementioned, concerning *the right and manner of creating Senators*, and filling up the vacancies of that body, I sent my Lord *Hervey* the following letter,

MY LORD, April 1, 1735.

I WISH, that it were in my power to give your Lordship any satisfaction, on this or any other occasion, where you can possibly want it; which as I endeavoured in my last letter, upon a question of a different kind, so I shall attempt again in this, on the subject of the *Roman* Senate, where I fancy myself perhaps more capable, as well as the argument more worthy of your Lordship's inquiry. I am ashamed to confess, that when I received the honor of your Lordship's, I had not read Mr. *Vertot's* answer to Earl *Stanhope*; but I have since procured it, in

[1] Ἐοικέναι τε τῷ καθ' ἕνα βελῆς· σώμασι δὲ, τὸ τῆ δήμῳ. τὸ κοινὸν ἔφη· ψυχῆς μὲν γὰρ ἀνδρὸς ἀτάλοσον ἐχέσης τὸ τῆς Dionys. Hal. v. 67. Edit. Oxon.

order to ſee diſtinctly, what it was, that could remain ſtill obſcure to you, in a queſtion, which had been treated by ſo able a maſter, and which of itſelf had appeared always to me to be ſufficiently clear. I ſhall not trouble your Lordſhip with my particular exceptions to the account of that learned Antiquary, but give you only in ſhort, my own ſentiments on the ſame ſubject, drawn, as I imagine, from evident and authentic teſtimonies of the ancient writers.

From the time, that the Plebeians had opened themſelves a way to the firſt honors of the ſtate, the conſtant and regular ſupply of the Senate was from the annual magiſtrates; who by virtue of their ſeveral offices acquired an immediate right to ſit and vote in that aſſembly. The uſual gradation of theſe offices, was that of *Quæſtor*, *Tribune of the people*, *Ædile*, *Prætor*, and *Conſul*; which every candidate, in the ordinary forms of the conſtitution, was obliged to take in their order, with this exception only, that he might forego either the Tribunate or the Ædileſhip at his own choice, without a neceſſity of paſſing through them both. The Quæſtorſhip was called the firſt ſtep of honor; and the Quæſtors, who were generally employed in the provinces abroad, aſſigned to them ſeverally by lot, no ſooner returned from their provincial adminiſtration, then they took their places in the Senate, and from that time forward, from the rank of Equeſtrians, or what we commonly call Knights, became Senators for life.

All

All theſe magiſtrates were elected by the people in their public aſſemblies, promiſcuouſly and indifferently from the whole body of the citizens; which explanes what *Cicero* frequently declares in different parts of his works, "That "the ſenatorian dignity was conferred by the "ſuffrage and judgement of the whole Roman "people; and that an acceſs to the ſupreme "council of the republic was laid open to the "virtue and induſtry of every private citi-"zen [1]."

But though theſe offices gave both an immediate right and actual entrance into the Senate, yet the ſenatorian character was not eſteemed complete, till the new Senators had been enrolled by the Cenſors, at the next *Luſtrum*, or general review of all the orders of the city, which was generally held every five years. Yet this enrollment was but a matter of form, which could not be denied to any of them, except for ſome legal incapacity, or the notoriety of ſome crime, or infamy upon their characters; for which, the ſame Cenſors could ex-

[1] Qui cum regum poteſtatem non tuliſſent, ita magiſtratus annuos creaverunt, ut concilium Senatus reip. proponerent ſempiternum; deligerentur autem in id conſilium ab univerſo populo, adituſque in illum ſummum ordinem omnium civium induſtriae ac virtuti pateret. Cic. pro Sext. 65.

Si populum Romanum, cujus honoribus in ampliſſimo concilio collocati ſumus. Poſt red. in Sen. 1.

In eo loco, in quo me honores populi Romani collocaverunt. Pro Dom. 31.

Cujus beneficio in hunc ordinem venimus. In Verr. iv. 11.

pel or deprive any other Senator, of what rank or ſtanding ſoever. It was one part likewiſe of the cenſorian juriſdiction, to fill up the vacancies of the Senate, upon any remarkable deficiency in their number, with new members from the equeſtrian order, who had not yet born any magiſtracy: but this was not done arbitrarily, or without the conſent and approbation of the people. For by obſerving the manner of proceeding on ſome extraordinary occaſions, we may collect the legal and regular method in ordinary caſes. For example, after the battle of *Cannæ*, the Senate being greatly exhauſted, and no Cenſors in office, a Dictator was created for the ſingle purpoſe of filling up the vacancies: who preſently aſcended the Roſtra, and in the preſence of the people, aſſembled in the Forum, ordered all thoſe, who remained alive of the laſt cenſorian liſt, to be firſt called, and enrolled anew; then thoſe, who ſince that time had born a curule magiſtracy, but had not been enrolled, each according to the order of his creation; then thoſe, who had been *Ædiles*, *Tribunes of the people*, or *Quæſtors*; and laſtly, thoſe of the equeſtrian rank, who had born no magiſtracy at all, but had ſignalized themſelves in the war, and taken ſpoils from the enemy: and having thus added one hundred and ſeventy ſeven new Senators to the laſt roll, with the univerſal approbation of the people, he laid down his office [1]. Upon another occaſion likewiſe, when

[1] Liv. l. xxiii. 23.

Sylla,

Sylla, the Dictator, after the deſtruction made by his civil wars and proſcriptions, found it neceſſary to fill up the exhauſted Senate with three hundred Knights, he gave the choice of them to the people in an aſſembly of their tribes [1].

The power of the Cenſors, being naturally odious and unpopular, was generally exerciſed with temper and caution, unleſs when an extraordinary licence and corruption of the times ſeemed to demand a particular ſeverity and enforcement of diſcipline. The cenſures however of theſe magiſtrates were not perpetual or irreverſible, nor conſidered as bars to any future advancement: for what was inflicted by one Cenſor, was ſometimes reverſed by the other; and what was done by them both, by an appeal to the people; or by the ſucceeding Cenſors; who commonly reſtored the diſgraced party to his former dignity; or elſe by obtaining, a ſecond time, any of the magiſtracies abovementioned, the perſon ſo diſgraced entered again into the Senate, and was enrolled of courſe by the next Cenſors. Thus we find ſome, who had ſuffered the cenſorian note of infamy, choſen Cenſors afterwards themſelves [2]; and *C. Antonius*,

[1] App. de Bell. civ. l. i. p. 413.

[2] Ponam illud unum: C. Getam, cum a L. Metello & Cn. Domitio cenſoribus e ſenatu ejectus eſſet, cenſorem ipſum poſtea eſſe factum— Quos autem L. Gellius & Cn. Lentulus, duo cenſores, furti & captarum pecuniarum notaverunt, ii non modo in ſenatum redierunt, ſed etiam illarum ipſarum rerum judiciis abſoluti ſunt. Cic. pro Cluent. 42.

Cenſores denique ipſi Sæ-

tonius,

tonius, who was *Cicero's* collegue in the Conſulſhip, had been expelled the Senate for his vices, about ſix years before; and *Lentulus* alſo, who was expelled even after he had been Conſul, was reſtored to the Senate by obtaining the Prætorſhip a ſecond time after that diſgrace; in which office he was put to death by *Cicero*, for conſpiring with *Catiline* againſt the public liberty [1].

Thus, as it is evident from unqueſtionable authorities, the legal and ordinary ſource, by which the vacancies of the Senate were ſupplied, was from the annual magiſtrates, choſen by the people: a method of ſupply, of all others the beſt adapted to ſupport the dignity, as well as to fill up the number of that auguſt body; which could never be remarkably deficient, but by the uncommon accidents of war, or peſtilence, or proſcriptions of the nobility: on which occaſions, thoſe deficiencies were ſupplied, either by the extraordinary power of a Dictator, created for that purpoſe, or the ordinary power of the

penumero ſuperiorum cenſorum judiciis—non ſteterunt: atque etiam ipſi inter ſe cenſores ſua judicia tanti eſſe arbitrantur, ut alter alterius judicium non modo reprehendat, ſed etiam reſcindat; ut alter de ſenatu movere velit, alter retineat.—Ibid. 43. Vide etiam Val. Max. l. ii. 9. 9.

[1] Hunc Antonium ſexennie, quo hæc dicerentur, Gellius & Lentulus cenſores ſenatu moverunt; cauſamque ſubſcripſerunt, quod judicium recuſarit, quod propter æris alieni magnitudinem prædia manciparit, bonaque ſua in poteſtate non haberet. Aſc. Pæd. in Orat. in Tog. Cand. Vid. it. Dion. l. xxxvii. p. 43. D. Vell. Pat. ii. 34.

Cenſors,

Cenſors, confirmed by the approbation of the people. M. *Vertot* ſeems to perplex the queſtion; firſt, by conſidering the authority of the people, and that of the Cenſors, as oppoſite and inconſiſtent with each other in the creation of Senators, whereas they were both of them jointly neceſſary, to make the act complete: ſecondly, by aſſerting the cenſorian power to be the original and principal in that affair, whereas it was but ſecondary or miniſterial, to the ſovereign prerogative of the people.

About a month after the date of this letter, his Lordſhip ſent me his own opinion on the ſame ſubject, drawn out at length, in the form of a diſſertation; which he ſupported afterwards, and farther explaned by a ſecond; and finally defended by a third.

As ſoon as I had received the firſt of them, I immediately ſat down to conſider the argument again more preciſely: and agreeably to the method obſerved by his Lordſhip, endeavoured to ſketch out the legal and genuine ſtate of the Roman Senate, through all the ſeveral periods, in which it had ſuffered any remarkable alteration, under the Kings, the Conſuls, and the Cenſors: in purſuance of which deſign, as faſt as I filled up my papers to the proper ſize of a letter, I tranſmitted them to his Lordſhip at different times and in different packets: all which I have now thought proper, for the ſake of brevity and perſpicuity, to connect into one continued letter, in the very words of the originals,

ginals, as far as they could be recovered from the imperfect notes, which I had taken of them, or at leaſt, in an exact conformity to that ſenſe, in which they were firſt written.

MY LORD,

WHEN your Lordſhip required my thoughts *on the manner of filling up the Roman Senate*, I gave them in the ſimplicity of my heart, the beſt, that occurred to me, on a ſubject, for which I was not then particularly prepared. I fancied, that I could dictate to your Lordſhip, as M. *Vertot* to Earl *Stanhope*; and recollecting, that I was writing to a court, thought it a part of good breeding, to keep clear of Greek and Latin. But your Lordſhip has fairly caught me, and, in your elaborate diſſertation, given me a pattern, how I ought to have written on a queſtion of learning, or at leaſt, how to my Lord *Hervey*.

In my former letter, I choſe to begin my account of the Senate, from that time, when its power and glory were at their height, and its hiſtory, the moſt worthy of our notice; when it was free in its deliberations, and open in its acceſs, to the virtue of every citizen. But ſince your Lordſhip has thought fit to recur to its very origin, and to trace out its progreſs through every period of its duration, I think myſelf obliged to purſue the ſame method, and explane my thoughts on its original conſtitution and legal manner of ſupply, from the very foun-

foundation of *Rome*, to the oppreſſion of its liberty. But in order to place the ſubject of our debate in its true light, it will be neceſſary, to ſtate preciſely the different opinions, which we ſeverally entertain about it.

Your Lordſhip's notion then is, " That, un- " der the Kings of *Rome*, the choice and nomi- " nation of all the Senators depended wholly on " the will of the Prince, without any right in " the people, either direct or indirect: that the " Conſuls, who ſucceeded to the kingly power, " enjoyed the ſame prerogative, till the creation " of the Cenſors; who ever after poſſeſſed the " ſole and abſolute right of making and un- " making Senators.

My opinion on the contrary is, " that the " Kings, the Conſuls, and the Cenſors acted in " this affair, but miniſterially and ſubordinately " to the ſupreme will of the people; in whom " the proper and abſolute power of creating " Senators always reſided." I ſhall procede therefore, in the method above propoſed, to examine, what evidence of facts, or grounds of probability can be found in favor of my hypotheſis, through all the ſeveral periods of the Roman hiſtory.

I muſt confeſs in the firſt place, that, as far as our argument is concerned with the regal government of *Rome*, your Lordſhip has the Latin writers on your ſide, who conſtantly ſpeak of the creation of Senators, as a branch of the royal prerogative. But in computing

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the proper force of this evidence, we muſt remember, that none of thoſe writers treat the queſtion profeſſedly, but touch it only incidentally; and that it is natural to all, upon the ſlight and occaſional mention of an event, to aſcribe it to the principal agent, concerned in its production; ſo as to impute the acts of popular aſſemblies to the Prince or ruling Magiſtrate, who convened and preſided in them, and had the chief influence perhaps in determining the tranſactions themſelves. Thus when *Livy* tells us, *that the Præfect of the city created the firſt Conſuls*; *and that Brutus, one of theſe Conſuls, created P. Valerius, his Collegue in that office*; or that the *Interrex on other occaſions created the Conſuls*, or *that the Pontifex Maximus was ordered by the Senate to create the firſt Tribunes* [1], he means nothing more, than that thoſe Magiſtrates called the people together, in order to make ſuch creations, in which they aſſiſted and preſided [2]. And as this is the uſual ſtile of all writers, ſo it is peculiarly of thoſe, who write the hiſtory of their own country, and for

[1] Duo Conſules inde, comitiis centuriatis, a Præfecto Urbis, ex commentariis Servii Tullii, creati ſunt. Liv. l. i. 60.

Brutus Collegam ſibi comitiis centuriatis creavit P. Valerium. Ibid. ii. 2.

Is Conſules creavit Q. Publium Philonem & L. Papirium Curſorem. Ibid. ix. 7.

Factum S. C. ut Q. Furius, Pont. Max. Tribunos plebis crearet. Ibid. iii. 54.

[2] Ibi extemplo, Pontifice Maximo comitia habente, Tribunos plebis creaverunt. Ibid.

the

the information of their own people; who have not the patience to treat minutely of things, which they ſuppoſe to be known to their readers, as well as to themſelves: and hence it ſometimes happens, that the origin of cuſtoms and conſtitutions of the greateſt importance are left dark and obſcure, not only to ſtrangers, but even to the natives of later ages.

The caſe however is different, with *Dionyſius* of *Halicarnaſſus*; who profeſſes to write for the inſtruction of ſtrangers; and to explane the civil government of *Rome*, and the origin of its laws with the diligence of an Antiquary, as well as the fidelity of an Hiſtorian. This celebrated author then informs us, that when *Romulus* had formed the project of his Senate, conſiſting of an hundred members, he reſerved to himſelf the nomination only of the firſt, or Preſident of the aſſembly, and gave the choice of all the reſt to the people, to be made by a vote of their Tribes and their Curiæ. Muſt we then prefer one Greek to all the Latin writers? Yes, as we prefer one credible and poſitive evidence, to many of a negative kind; or one, who ſearches things to the bottom, to any number, who, without the pains of ſearching, take up with the popular and vulgar accounts of things.

But of all the Roman writers, whom your Lordſhip has cited, as *Livy* is the chief, ſo he will be found perhaps to be the only one, who in the preſent caſe deſerves any regard from us; the reſt of them for the moſt part, being

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but tranſcribers or epitomizers of him, rather than hiſtorians: ſo that in effect, it is the ſingle credit of *Livy*, which, in the queſtion before us, ſtands oppoſed to *Dionyſius*, and where theſe two happen to differ, it cannot be difficult to decide, which of them ought to have the preference; nay, it is already decided by the judgement of all the beſt critics; who, upon the compariſon, have univerſally preferred the diligence and accuracy of *Dionyſius*, to the haſt and negligence of *Livy* [1].

Let us procede then with our hiſtory. Upon the peace and league of union made between *Romulus*, and *Tatius*, King of the *Sabins*, the number of the Senate, as *Dionyſius* writes, was doubled by the addition of an hundred new members from the *Sabin* families; all choſen by the people in the ſame manner as before: in which account, he ſays, all the old writers concur, excepting a few, who declare the additional number of *Sabins* to have been only fifty [2]:

[1] Multa enim Dionyſius de Romanorum ceremoniis religionibuſque, in Deos; non pauca de variis ritibus atque inſtitutis, deque eorum legibus ac tota politia accurate diligenterque ſcripſit, quæ Livius cæteriique Hiſtorici partim omnino prætermiſerunt, partim leviter tantum ſtrictimque attigerunt. H. Steph. in Dionyſ. c. 6.

Cujus major fides in hiſtoria, quam *Livii*, *Tranquilli*, *Taciti*, *Arriani* Ant. Poſſevin.

Multis argumentis mihi perſuaſi, antiquiſſima hæc populi Romani geſta longe diligentius a *Dionyſio*. Onuph. Panvin. Comm. in Faſt. p. 62.

See the teſtimonies of authors prefixed to Hudſon's edit. of Dionyſius.

[2] Lib. iii. 47. Edit. Hudſon.

which may ſerve as a ſpecimen of the diligence of this author's inquiries: whereas *Livy* is not only ſilent about this augmentation of the Senate, but, as your Lordſhip owns, expreſsly contradicts it. Yet all the later writers, and your Lordſhip with the reſt, chuſe to follow *Dionyſius* in oppoſition to him: and if in this caſe of the augmentation, why not in the other, of the nomination of the Senators? for as far as the caſe can be determined by authority, the character of *Dionyſius* will bear us out in adhering to him, preferably to all others; eſpecially in points of antiquity, or things remote from their own knowledge. Let us examine therefore, in the next place, what facts may be collected within this period, to confirm the teſtimony of *Dionyſius*.

All hiſtorians agree, that great powers and privileges were originally granted to the people by *Romulus:* who had no ſooner ſecured his new city by a wall, than he began to provide laws for the citizens, becauſe nothing elſe could unite a multitude into one common body [1]. This was his firſt care, according to *Livy*, and one of his firſt laws, according to *Dionyſius*, was, to divide the people into *three tribes*, and each tribe into *ten curiæ*, for the more convenient method of voting and tranſacting the public buſineſs in their aſſemblies [2]. He had

[1] Vocata ad concilium multitudine, quæ coaleſcere in populi unius corpus nulla alia re, præterquam legibus poterat, jura dedit. Liv. i. 8.

[2] Dionyſ. l. ii. 7.

reigned eleven or twelve years before his union with the *Sabins:* which makes it probable, that he made this diviſion of the people before that æra; and ſettled what was the firſt thing neceſſary, the form of his political government.

Each of the thirty *Curiæ* of *Old Rome* had a temple or chapel, aſſigned to them, for the common performance of their ſacrifices and other offices of religion: ſo that they were not unlike to our pariſhes. Some remains of which little temples ſeem to have ſubſiſted many ages after on the Palatine hill [1], where *Romulus* firſt built the city, and always reſided: whence *Manutius* infers, that the inſtitution of the *Curiæ* was previous to the union with the *Sabins*, ſince theſe were ſeated ſeparately from the Romans on the *Capitoline* and *Quirinal* hills [2]: which confirms likewiſe the account of *Dionyſius*, and takes off, what your Lordſhip alledges as an objection to it, that the *Curiæ* were not yet eſtabliſhed, when he ſuppoſes the Senate to have been elected by them.

Again, it is agreed likewiſe by all, that *Romulus* inſtituted the *Comitia Curiata*; or the public aſſemblies of the people, called to vote in their ſeveral *Curiæ*; and that the matters ſubjected to their deciſion, were, the choice of all the magiſtrates, and the right of making of laws, war and peace. An ample juriſdiction, and in the moſt important articles of govern-

[1] Tacit. Annal. xii. 24. [2] Dionyſ. l. ii. 50.

ment; yet not wholly abſolute, as *Dionyſius* ſays, unleſs the Senate concurred with them [1].

But this method of tranſacting all the greater affairs by the people, aſſembled in their *Curiæ*, after it had ſubſiſted through five ſucceſſive reigns, was found to be inconvenient. For in aſſemblies ſo conſtituted, where every individual had an equal vote, the iſſue of all deliberations muſt depend of courſe on the poorer ſort, who are always the moſt numerous, though not always the moſt reaſonable or incorrupt; ſo that *Servius Tullius*, the ſixth King, in order to correct this inconvenience, inſtituted a new diviſion of the people into *ſix claſſes*, according to a *cenſus*, or valuation of their eſtates: then he ſubdivided theſe claſſes into *one hundred and ninety three centuries*, and contrived to throw a majority of theſe centuries, that is, *ninety eight of them*, into the firſt claſs of the richeſt citizens: by which regulation, though every man voted now in his *Century*, as before in his *Curiæ*, yet, as all matters were decided by a majority of the *Centuries*, ſo the balance of power was wholly transferred into the hands of the rich; and the poorer ſort deprived of their former weight and influence in the affairs of ſtate [2]: which wiſe inſtitution was ever after obſerved through all

[1] Dionyſ. c. xiv.

[2] Non enim viritim ſuffragium eadem vi eodemque jure promiſcue omnibus datum eſt: ſed gradus facti, ut neque excluſus quiſquam ſuffragio videretur, & vis omnis penes primores civitatis eſſet. Liv. i. 43. it. Dionyſ. l. iv. 20, 21.

ſucceeding ages, in the elections of the principal magiſtrates, and the determination of all the principal tranſactions of the Republic.

Theſe facts, confirmed by all writers, ſhew the power of the people to have been extremely great, even under the regal government. It extended to the choice, not only of their Kings, but of all the other Magiſtrates, and I find no reaſon to imagine, that the Senators were excepted, or none at leaſt, ſufficient to balance the contrary teſtimony of ſo grave an author as *Dionyſius*.

On the demolition of *Alba* by *Tullus Hoſtilius*, ſome of the chief families of that city were enrolled likewiſe into the Senate. *Livy* reckons ſix, *Dionyſius* ſeven [1]: and *Manutius*, to make their accounts conſiſt with what is delivered concerning the limited number of the Senate, imagines, that theſe *Albans* were not created Senators, but *Patricians* onely, and by that means rendered capable of being choſen into the Senate on the occaſion of a vacancy. But it may be ſuppoſed perhaps with more probability, that the number of *Albans*, taken into the Senate at that time, was no more than what ſupplied the vacancies then ſubſiſting, ſo as to fill it up to its ſettled complement of two hundred. This affair, however, as *Dionyſius* intimates, was not tranſacted without the conſent both of the Senate and the people.

[1] Liv. i. 30. Dionyſ. iii. 29.

The

The laſt augmentation of the Senate, under the Kings, was made by *Tarquinius Priſcus*, who added *an hundred* new members to it, from the *Plebeian* families, and ſo enlarged the whole number from two to *three hundred*. He did this, as *Livy* informs us, to ſtrengthen his particular intereſt, and to raiſe a ſure faction to himſelf in the new Senators of his own creation [1]; whence M. *Vertot* draws a concluſion, *that the people had no ſhare in this election* [2]. But it is incredible, that an innovation of ſuch importance, which muſt needs diſguſt the Nobles, ſhould be attempted and eſtabliſhed by an elective King, if he had not been ſupported by the power and ſuffrages of the commons: and eſpecially by a Prince, ſo cautious of giving jealouſy to his ſubjects, that he would not accept the robes and enſigns of ſovereign power, which were preſented to him by the *Tuſcans*, whom he had ſubdued in war, till he had firſt conſulted the Senate and the people, and obtained their approbation [3].

But your Lordſhip here remarks, that *Dionyſius* himſelf aſcribes this act to the Prince, without any mention of the people [4]: To which I anſwer, that after he had preciſely and frequently explaned the whole proceſs of filling up the Senate, might he not think it needleſs

[1] Factio haud dubia regis, cujus beneficio in curiam venerant. Liv. i. 35.

[2] See M *Vertot's* anſwer to E. *Stanhope*.

[3] Dionyſ. iii. 62.

[4] Id. 67.

to repeat the ceremonial on every occaſion? might he not imagine, that what he had before ſo particularly deſcribed, would be applied to every ſubſequent caſe of the ſame kind? and when he had once ſettled this point, was it not natural for him, like all other writers, and for the ſake of brevity, to impute the act done in conſequence of it, to the principal mover and director of it? Since *Dionyſius* then, the moſt accurate of the Roman hiſtorians, and who treats the particular queſtion under debate more largely and clearly than any of them, is expreſly on my ſide; and ſince all the reſt, who ſeem to differ from him, touch it but ſlightly and incidentally, nor yet abſolutely contradict him; I cannot help thinking, that, as far as authority reaches, my hypotheſis muſt appear to be better grounded than your Lordſhip's.

I ſhall conſider therefore, in the laſt place, how far it is confirmed by arguments, drawn from the nature and fundamental principles of the Roman government, as it was adminiſtred under the Kings. The firſt citizens of *Rome* were all voluntary adventurers, whom their young leader *Romulus* had no power either to force, or means to attach to his ſervice, but the promiſe of large immunities and rights, and a ſhare with him in the adminiſtration of the common affairs. This indulgence was neceſſary to his circumſtances; and we find accordingly, that he granted them all the privileges even of a *Democracy*; *the right of making laws, war and peace,*

peace, with the choice of all their magiſtrates; and moſt probably therefore of *the Senators*. Now when theſe rights had been once granted and poſſeſſed by the people, it is not credible, that they would ever ſuffer themſelves to be deprived of them; or that Kings elective, and of ſo limited a juriſdiction, ſhould be diſpoſed, or able to wreſt them wholly out of their hands. Their firſt King *Romulus* no ſooner began to violate the conſtitutions, that he himſelf had made, than, as it is commonly believed, he was privately taken off [1]: and their laſt King *Tarquinius*, by a more open and violent infringement of their liberties, not onely loſt his crown, but gave occaſion to the utter extinction of the kingly government [2]. The intermediate Kings do not ſeem to have made any attempt upon the liberties of the people: for in the caſe abovementioned, when *Servius Tullius* contrived to reduce the authority of the poorer ſort, it was to advance that of the rich; and to change onely the hands, not the power of his maſters; to whom, as *Cicero* intimates, and as *Seneca*, upon his authority, declares, there lay *an appeal*

[1] Οἱ δὲ τὰ σιθανώτατα γεγραφότες, περὶ τῶν ἰδίων σολιτῶν λέγουσιν αὐτὸν ἀπόθανεῖν. Dionyſ. ii. 56. it. Appian. de Bell. Civ. ii.

[2] Hic enim regum primus traditum a primoribus morem de omnibus Senatum conſulendi ſolvit; domeſticis conſiliis remp. adminiſtravit, bellum, pacem, fœdera, ſocietates per ſe ipſe, cum quibus voluit, injuſſu populi ac Senatus, fecit diremitque. Liv. i. 48.

from the magiſtrates, and even from the Kings themſelves [1].

The Kings, indeed, by virtue of their office, muſt needs have had a great influence over the deliberations of the people. It was their prerogative to call the people together; to preſide in their aſſemblies; to propoſe the affairs to be debated; or the perſons to be elected; and to deliver their own opinion the firſt [2]. So that we need not wonder, that the writers, who are not treating the matter critically, ſhould impute to them the reſult of all the public councils. They conſtantly do it in the affairs of *war and peace*, which yet was the unqueſtionable prerogative of the people; and when they do it therefore in the caſe before us, it cannot be alledged, as an argument of any weight, againſt the people's right of *chuſing the Senators*.

On the whole; ſince the origin of *Rome* itſelf is involved in fable and obſcurity, it is not ſtrange, that the firſt tranſactions of its citizens ſhould alſo be obſcure and uncertain: but upon the ſtricteſt ſearch into the ſtate of the preſent queſtion, as it ſtood under the kingly govern-

[1] Partim regiis inſtitutis, partim etiam legibus auſpicia, cærimoniæ, provocationes, &c. Cic. Tuſc. Quæſt. iv. 1.

Æque notat, Romulum periiſſe ſolis defectione, provocationem ad populum etiam a regibus fuiſſe. Id ita in pontificalibus libris aliqui putant, & Feneſtella. Senec. Epiſt. cviii.

[2] Γελών τε συιάγειν, καὶ δῆμον συγκαλεῖν καὶ γνώμης ἄρχειν, καὶ τὰ δόξαντα τοῖς πλείοσιν ἐπιτελεῖν. ταῦτα μὲν ἀπέδωκε βασιλεῖ τὰ γέρα. Dionyſ. l. ii. 14.

ment,

ment, I cannot but conclude, from the expreſs teſtimony of the beſt hiſtorian, the concurrence of ſimilar facts, and the probability of the thing itſelf, that *the right of chuſing Senators* was originally and conſtitutionally veſted in the people.

We are now arrived at the Conſular ſtate of *Rome:* and upon this memorable change of government, and the expulſion of their Kings, effected with ſuch ſpirit and reſolution by an injured people, for the recovery of their juſt rights, we may expect to find them in the poſſeſſion of every privilege, which they could legally claim. For our reaſon would ſuggeſt, what all authors teſtify, that in the beginnings and unſettled ſtate of this revolution, great complaiſance and deference would neceſſarily be paid by the Senate to the body of the Commons [1]. I ſhall examine then, what facts and teſtimonies may be alledged in favor of my opinion, during this firſt period of the Conſular government, till the creation of the Cenſors, which includes the ſpace of ſixty ſeven years.

The firſt exerciſe of the people's power was, to elect two Conſuls, to ſupply the place of the ejected King: who were now choſen, as they were ever after, in the *Comitia centuriata*, or by a vote of the people aſſembled in their centuries, according to the inſtitution of *Servius Tullius:* and the firſt care of the new Conſuls was, to

[1] Multa blandimenta plebi per id tempus a Senatu data. Liv. i. 9.

ſecure

ſecure to the people all their rights, which their late King *Tarquin* had violated; particularly, the deciſion of all the great affairs of ſtate in their public aſſemblies [1].

P. Valerius, the Collegue of *Brutus* in the Conſulate, was ſo warm an aſſertor of the authority of the people, that he acquired by it the name of *Poplicola* [2]. Yet happening to build his houſe upon an eminence, he gave umbrage to the citizens, as if he had deſigned it for a citadel, and affected a power dangerous to their liberty. Upon which, he demoliſhed what he had built, and calling the people together, in order to juſtify himſelf, commanded his officers, on their entrance into the aſſembly, to ſubmit and let fall *the faſces*, or enſigns of his magiſtracy, as an acknowledgement, that *the majeſty of the Commons* was ſuperior to that of the Conſuls [3]. If the power therefore of the Conſuls was the ſame with that of the Kings, as all the ancient writers declare [4], it is certain, that the power

[1] Dionyſ. v. 2.

[2] Qui populi majeſtatem venerando *Popliculæ* nomen aſſecutus eſt. Val. Max. iv. 1.

[3] Gratum id multitudini ſpectaculum fuit, ſubmiſſa ſibi eſſe imperii inſignia; confeſſionemque factam, populi quam Conſulis majeſtatem, vimque majorem eſſe. Liv. ii. 7. Vid. Dionyſ. v. 19.

[4] Sed quoniam regale civitatis genus probatum quondam, poſtea non tam regni quam regis vitiis repudiatum eſt, res manebat, cum unus omnibus magiſtratibus imperaret. Cic. de Legib. iii.

Libertatis autem initium inde magis, quia annuum imperium Conſulare factum eſt, quam quod diminutum quicquam ſit ex regia poteſtate, omnia jura, omnia primi Conſules tenuere. Liv. ii. 1.

of

of the people was always ſuperior to them both.

This was the ſtate of things in the infancy of the Republic; in which the people were much careſſed by the nobles, as long as there was any apprehenſion of danger from their depoſed King or his family [1]: and in theſe circumſtances, the Senate, which had been reduced, by *Tarquin's* arbitrary reign, to half its legal number, was filled up to its former complement of *three hundred*, by *Brutus* and *Valerius*; or by the one or the other of them, as writers differently relate it. All that *Dionyſius* indeed and *Livy* ſay upon it, is, *that a number of the beſt citizens were choſen from the commons to ſupply the vacancies* [2]. But we cannot imagine, that an act of ſo great moment could paſs without the ſpecial command and ſuffrage of the people, at a time, when nothing elſe of any moment paſſed without it: the reaſon of the thing, and the power of the people in all ſimilar caſes, muſt perſuade us of the contrary.

The next fact, that relates to our queſtion, is, the admiſſion of *Appius Claudius* into the Senate. He was one of the Chiefs of the *Sabin* nation, who deſerted to *Rome*, with a body of his friends and dependents, to the number of five thouſand; to whom the freedom of the city, and lands were publickly aſſigned, and

[1] Plebi, cui ad eum diem ſumma ope inſervitum erat. Liv. ii. 21.

[2] Liv. ii. 1. Dionyſ. v. 13.

to

to *Appius* himſelf a place in the Senate. *Livy* does not ſay, by what authority this was done; but *Dionyſius*, that it was by an *order of the Senate and people* [1]: that is, by a previous decree of the Senate, approved and ratified by an aſſembly of the commons: which was the legal and regular way of tranſacting all the public buſineſs, from the very beginning of the Republic, and continued generally to be ſo, in all quiet and peaceable times, to the end of it [2].

Theſe are the onely examples of filling up the Senate, from the expulſion of the Kings, to the creation of the Cenſors: and though we are not directly informed, by what authority they were effected, yet it is certain, that it was by the intervention and power of the people; agreeably to the expreſs teſtimony of *Cicero*, and the ſpeech of *Canuleius* the Tribun, referred to by your Lordſhip, wherein it is declared, that from the extinction of the Regal government, the

[1] Ἀνθ' ἑνὸς ἡ βουλὴ καὶ ὁ δῆμος ἕξ τε τὰς πατρικίους αὐτὸν ἐνέγραψε. Dionyſ. l. v. 40. Liv. ii. 16.

[2] Brutus ex S. Co. ad populum tulit. Liv. ii. 2.

Per interceſſionem Collegarum, qui nullum plebiſcitum niſi ex auctoritate Senatus, paſſuros ſe perferri, oſtendunt, diſcuſſum eſt. Liv. iv. 49.

Poteſtas in populo, auctoritas in Senatu eſt. Cic. de Leg. iii.

Decreverunt Patres, ut cum populus regem juſſiſſet, id ſic ratum eſſet ſi patres auctores fierent: hodieque in legibus Magiſtratibuſque rogandis, uſurpatur idem jus, vi adempta, priuſquam populus ſuffragium ineat, in incertum comitiorum eventum patres auctores fiunt. Liv. i. 17.

admiſſion

admiſſion of all members into the Senate was given by *the command of the people* [1].

From theſe augmentations juſt mentioned, to the inſtitution of the Cenſorſhip, there is an interval of ſixty years or more, without the mention of any review or ſupply of the Senate whatſoever: and yet there muſt have been ſome conſtant method of ſupplying it during that time, or it would have been wholly extinct. The Conſuls, whoſe province it then was to hold *the Cenſus, and general Luſtration* of the citizens, as oft as they found it neceſſary, had, in conſequence of that duty, the taſk alſo of ſettling the roll of the Senate at the ſame time. Yet there is no inſtance recorded, of the exerciſe of that power, or of any act relating to it, either by the admiſſion or ejection of any Senators: ſo that the ſtate of the Senate in this period is left wholly dark to us by the ancients, nor has been explaned, as far as I know, by any of the moderns.

The moſt probable account of the matter is this; that the Senate began now to be regularly ſupplied by the annual Magiſtrates, who were inſtituted about this time, and choſen by the people. Theſe were two *Quæſtors* of *Patrician* families, and *five Tribuns* of the people, with

[1] Deligerentur autem in id conſilium ab univerſo populo, adituſque in illum ſummum ordinem omnium civium induſtriæ ac virtuti pateret. Cic. pr. Sext. § 137.

Aut ab regibus lecti, aut poſt reges exactos, juſſu populi. Liv. iv. 4.

two

two *Ædiles* of *Plebeian* families; to which *five more Tribuns* were afterwards added: and if we ſuppoſe all theſe to have had an admiſſion into the Senate by virtue of their office, and conſequently a right to be enrolled by the Conſuls at the next luſtrum, this would yield a competent ſupply to the ordinary vacancies of that aſſembly: which might receive ſome acceſſion alſo from the *Decemviri*, who were not all Patricians, nor yet Senators perhaps, before their election to that magiſtracy. If this was the caſe, as I take it to have been, it will help us to account for the ſilence of authors about it, as being a thing, that ſucceeded of courſe, ſo as to have nothing in it remarkable, or what ſeemed to deſerve a particular recital.

The office of *Quæſtor*, which was inſtituted the firſt, is always mentioned by the ancients, as the firſt ſtep of honor in the Republic, and what gave an entrance into the Senate [1]. As to *the Tribuns*, it has been taken for granted, on the authority of *Valerius Maximus*, that, on their firſt creation, they were not admitted into the Senate, but had ſeats placed for them before the door, in the veſtibule [2]. But we may reaſonably conclude, that a Magiſtrate ſo ambitious

[1] Quæſtura, primus gradus honoris. Cic. in Ver. Act. i 4.

[2] Illud quoque memoria repetendum eſt, quod Tribunis plebis intrare Curiam non licebat: ante valvas autem poſitis ſubſelliis, decreta patrum attentiſſima cura examinabant. Val. Max. l. ii. c. ii. 7.

and

and powerful, who could controll, by his ſingle negative, whatever paſſed within doors, would not long be content to ſit without. *A. Gellius* ſays, that they were not made Senators before the law of *Atinius* [1]; who is ſuppoſed to be *C. Atinius Labeo*, Tribun of the people, A. U. 623 [2]: but that cannot poſſibly be true, ſince it is evident from the authority of *Dionyſius*, that, near four centuries before, *the Tribuns*, by the mere weight and great power of their office, had gained an actual admiſſion into the Senate within two years after their firſt creation [3]: in which we find them debating and enforcing, with great warmth, the demands of the Commons, for a liberty *of intermarriages with the nobles, and the choice of a Plebeian Conſul* [4]: ſo that the intent of this *Atinian* law could not be, as it is commonly underſtood, that the Tribuns ſhould be Senators in virtue of their office, for that they had been from the beginning, but that for the future, they ſhould always be choſen out of the body of the Senate,

[1] Nam & Tribunis plebis Senatus habendi jus erat, quanquam Senatores non eſſent, ante Atinium Plebiſcitum. A. Gell. xiv. 8.

[2] Vid. Pighii Annales, A. U. 623.

Ταῦτα δὲ ἐρέσθαι οἱ Ἄρχοντες ἐπειδὴ γὰρ τῷ συνεδρίῳ παρεκαλοῦντο ὑπὸ τῶν ὑπάτων. Dionyſ. l. vii. 25. A. U. 263.

Καὶ τοῦτο ἔπεισαν ἡμᾶς οἱ σύμβουλοι τὸ ἀρχεῖον ἐᾶσαι παρελθεῖν εἰς τὴν βουλήν. Ibid. 49.

[3] Ἔπειτα συναχθέντες εἰς τὸ βουλευτήριον οἱ σύνεδροι, παρόντων καὶ τῶν δημάρχων. Dionyſ. l. x. 11.

[4] Liv. iv. 1, 2, 3. Dionyſ. xi. 57.

or,

or, which is the ſame thing, out of thoſe, who had already born the office of *Quæſtor*.

About thirteen years before the creation of the Cenſors, the Tribuns began to aſſume a right of ſummoning or convoking the Senate; and of propounding to them whatever they thought proper [1]. A prerogative, which the Conſuls alone had ever exerciſed before; and which I take to be a clear proof of their being then members of the Senate: and I find alſo, that two Patricians, even of Conſular dignity, were elected Tribuns of the people about the ſame time, in an extraordinary manner [2]: which can hardly be accounted for, without ſuppoſing this Magiſtracy to have had an admiſſion into the Senate.

Some few years before this, upon the death of one of the Conſuls and the ſickneſs of the other, at a time of great conſternation in *Rome*, the ſupreme power and care of the public was committed to the *Ædiles* [3]: which great deference to their office, makes it reaſonable to conclude, that theſe magiſtrates alſo were at this time in the Senate, as they unqueſtionably were within a ſhort time after. But the warm conteſt

[1] Dionyſ. x. 31.

[2] Novi Tribuni plebis in cooptandis collegis, Patrum voluntatem foverunt: duos etiam Patricios Conſulareſque Sp. Tarpeium & A. Aterium cooptavere. Lib. iii. 65.

[3] Circuitio & cura Ædilium plebei erant: ad eos ſumma rerum ac majeſtas Conſularis imperii venerat. Liv. iii. 6, 7.

hinted

hinted above, about the right of electing a *Plebeian Conſul*, which continued on foot for a long time, ſeems to demonſtrate the truth of my opinion; it being wholly incredible, that the Commons ſhould demand to have one of their body placed at the head of the Senate, before they had obtained ſo much as an entrance into it, for any of the other plebeian magiſtrates.

I cannot omit the mention of one fact more, not foreign to our preſent purpoſe, though it did not happen till about two hundred years later; which is this; the *Flamen Dialis*, or ſovereign prieſt of *Jupiter*, revived an ancient pretenſion to a ſeat in the Senate, in right of his office; which, by the indolence of his predeceſſors, had not been clamed or enjoyed for many generations. The Prætor rejected his claim, nor would ſuffer him to ſit in that aſſembly: but, upon his appeal to the Tribuns, that is, to the people, his right was confirmed, and he was allowed to take his place as a Senator [1]. This caſe ſhews, that the privilege of the Senate might be annexed to an office, without any notice taken of it by the hiſtorians; for we have not the leaſt hint from any of them, of the origin of this *Flamen's* right; nor any mention of him as a Senator, but on this very occaſion: though, by the manner of his appeal, the claim ſeems to have been grounded on ſome old grant from the people.

[1] Liv. xxvii. 8.

But it may perhaps be objected, that though the annual magiſtrates might furniſh a tolerable ſupply to the ordinary vacancies of the Senate, yet there muſt have been ſome other method of providing for the extraordinary deficiencies, made by the calamitous accidents of wars abroad, or ſickneſs at home, of which there are ſeveral inſtances in the Roman hiſtory. In anſwer to which, it muſt be owned, that the Senate, in ſuch particular exigencies, would demand a larger ſupply, than the public offices could furniſh: and the method of ſupplying it ſeems to have been regulated by what the firſt Conſuls did, upon the firſt enrollment and completion of the Senate: for this was probably the ſtanding precedent; agreeably to which, all the future Conſuls, as we may reaſonably preſume, uſed to pitch upon a number of the beſt and moſt reputable citizens of the Equeſtrian rank, to be propoſed to the choice and approbation of the people in their general aſſembly; who, by approving and confirming the liſt, gave them a complete and immediate right to the rank and title of Senators during life.

This will appear ſtill more probable, by reflecting on a fact or two delivered by all the Hiſtorians. *Sp. Mælius*, who was attempting to make himſelf King, was one of the moſt wealthy and popular Commoners of the Equeſtrian order, yet from *Livy's* account, it is plain, that he was a Senator: for his firſt ambition, it

is

is ſaid, was onely to be choſen Conſul, which ſeems to imply it: but the Dictator's ſpeech concerning him directly aſſerts it: for he obſerves with indignation, that *he, who had not been ſo much as a Tribun, and whom, on the account of his birth, the city could hardly digeſt as a Senator, ſhould hope to be endured as a King* [1].

About forty years after this, *P. Licinius Calvus*, another eminent commoner, was elected one of the military Tribuns with conſular authority. He was the firſt plebeian, who had been raiſed to that dignity: but hiſtory has not informed us, what particular merit it was, that advanced him to it: for, as *Livy* obſerves, *he had paſſed through none of the public offices, and was only an old Senator of great age* [2]. If we ſhould aſk, then, how theſe two Plebeians came to be made Senators, without having borne any magiſtracy, there is no anſwer ſo probable, as that they were added to the roll of the Senate, with other eminent citizens, by the command of the people, on ſome extraordinary creation. For if the nomination had wholly depended on the will of any *Patrician* magiſtrate, it is ſcarce to be imagined, that he would have beſtowed that honor on *Plebeian* families.

[1] Ex equeſtri ordine, ut illis temporibus, prædives— cui Tribunatus plebis magis optandus quam ſperandus— ut quem Senatorem concoquere civitas vix poſſet, regem ferret. Liv. iv. 13. 15.

[2] Vir nullis honoribus uſus, vetus tamen Senator & ætate jam gravis. Liv. v. 12.

I ſhall procede in the next place, to conſider the State of the Senate, after the eſtabliſhment of the Cenſors, and try to reconcile my hypotheſis, with the great power and authority delegated to theſe magiſtrates in the affair of creating Senators, in which the whole difficulty of the preſent queſtion conſiſts.

The people were now, as the ancient writers tell us, the ſole arbiters of rewards and puniſhments, on the diſtribution of which depends the ſucceſs of all governments; and in ſhort, had the ſupreme power over all perſons and all cauſes whatſoever [1]. Theſe accounts leave no room for any exception, and make it vain to ſuppoſe, that the commons, in this height of power, would eſtabliſh a private juriſdiction, to act independently aud excluſively of their ſupremacy. But beſides the proofs already alledged of their univerſal prerogative, we have clear evidence likewiſe of their ſpecial right in this very caſe of making Senators. The teſtimony of *Cicero*, produced above, is deciſive; and the frequent declarations, which he makes, both to the Senate and the people, that he owed all his honors, and particularly his ſeat in the

[1] Quum illi & de Sempronio & de omnibus ſummam populi Romani poteſtatem eſſe dicerent. Liv. iv. 42.

Populus Romanus, cujus eſt ſumma poteſtas omnium rerum. Cic. de Haruſp. reſponſ. 6. Vide Polyb. l. vi. 462. B. Τιμῆς γάρ ἐστι καὶ τιμωρίας ἐν τῇ πολειτείᾳ μόνος ὁ δῆμος κύριος, &c.

Senate,

Senate, to the favour of the people [1], are unqueſtionable proofs of it. For ſuch ſpeeches delivered in public, and in the face of the Cenſors themſelves, muſt have been conſidered as an inſult on their authority, and provoked their animadverſion, if they had not been confeſſedly and indiſputably true. The teſtimony of *Cicero* is confirmed alſo by *Livy* [2], which gives occaſion to *M. Vertot* to obſerve, *That the ſole right of creating Senators is attributed to the people by two of the moſt celebrated writers of the republic.* But after the acknowledgment of ſo great an authority, he affirms, too inconſiderately, in the very next words, *that all the facts and examples of hiſtory are clearly againſt it* [3]. For whatever thoſe facts may ſeem to intimate, on a ſlight view, and at this diſtance of time, yet it is certain, that they muſt admit ſuch an interpretation, as is conſiſtent with a teſtimony ſo preciſe and authentic.

[1] Rex denique ecquis eſt, qui Senatorem Populi Romani tecto ac domo non invitet? qui honos non homini ſolum habetur, ſed primum *Populo Romano*, cujus beneficio in hunc ordinem venimus. In Ver. l. iv. 11.

Si populum *Romanum*, cujus honoribus in ampliſſimo concilio & in altiſſimo gradu dignitatis, atque in hac omnium terrarum arce collocati ſumus. Poſt redit. in Sen. 1.

Et palam fortiſſime atque honeſtiſſime dicerent, ſe potuiſſe judicio populi Romani in ampliſſimum locum pervenire, ſi ſua ſtudia ad honores petendos conferre voluiſſent. Pr. Cluen. 56.

[2] Aut ab regibus lecti, [in Senatum] aut poſt reges exactos, juſſu populi. Liv. iv 4.

[3] Réponſe au Memoire de Ld. Stanhope.

But in truth, the people's right of chuſing magiſtrates, was the ſame with that of chuſing Senators; ſince the magiſtrates by virtue of their office obtained a place of courſe in the Senate; that is, *the Quæſtors, Tribuns of the people, Ædiles, Prætors, Conſuls*; for this was the regular gradation or ſteps of honor, which every man, in the courſe of his ambition, was to aſcend in their order. A method, contrived with great prudence and policy; by which no man could be entruſted with the ſupreme power, and the reins of government, till he had given a ſpecimen of his abilities, through all the inferior offices, and ſubordinate branches of it: and we find accordingly in the old Faſti or Annals, many examples of perſons who had proceded regularly through them all [1].

The young Patricians, indeed, proud of their high birth, and truſting to the authority of their families, would often puſh at the higher offices, without the trouble of ſolliciting for the lower. But this was always reſented and complained of by the Tribuns, as an infringement of the conſtitution; *That the nobles in their way to the Conſulſhip, ſhould jump over the intermediate ſteps, and ſlight the inferior honors of Ædile and Prætor:* as in the caſe of *T. Quinctius Flaminius*, who, from his firſt preferment of *Quæſtor*, was elected Conſul by the authority of the Senate [2]: and

[1] Q. Caſſius Longinus was choſen Quæſtor A. U. 575, Tribun of the people 580, Ædile 583, Prætor 586, Conſul 589, Vide Pigh. Annal.

[2] Comitia per Tribunos

it

it was to correct this licenſe and irregularity, that *Sylla* afterwards, by a ſpecial law, injoined the obligation of paſſing through the inferior offices, as a neceſſary qualification for the Conſulate. But the practice itſelf did not derive it's origin from this *Cornelian* law, as your Lordſhip ſeems to intimate, but was grounded on a conſtitution or cuſtom of ancient ſtanding.

Let us examine then, after all, what part really belonged to the Cenſors, in this affair of creating Senators. This magiſtracy was firſt inſtituted, A. U. 311. not to take any ſhare of power from the people, but of trouble only from the Conſuls: who now began to have more of it than they could poſſibly diſcharge: and the ſpecial buſineſs of theſe Cenſors, was to eaſe them of the taſk of holding the *Cenſus* and *Luſtrum*, which the Conſuls had not been able to do for ſeventeen years paſt: that is, to take a general review of the whole people, as oft as there ſhould be occaſion; to ſettle the ſeveral diſtricts and diviſions of the tribes; to aſſign to every citizen his proper rank and order, according to a valuation of his eſtate; and laſtly, to call over the Senate, and make a freſh roll, by leaving out the names of the deceaſed, and add-

pl. impediebantur, quod T. Quinctium Flamininum Conſulatum ex Quæſtura petere non patiebantur. Jam Ædilitatem Præturamque faſtidiri, nec per honorum gradus documentum ſui dantes, nobiles homines tendere ad Conſulatum, ſed tranſcendendo media imis continuare. Liv. xxxii. 7.

ing thoſe, who had acquired a right to fill their places: that is, the magiſtrates, who had been elected into their offices ſince the laſt call.

But beſides this taſk, which was purely miniſterial, they had the particular cognizance and inſpection of the manners of all the citizens, and, in conſequence of it, a power to cenſure or animadvert upon any vice or immorality, in all orders of men whatſoever; which they took an oath to diſcharge without favour or affection. But this power reached no farther than to inflict ſome public mark of ignominy, on lewd and vicious perſons, in proportion to the ſcandal, which they had given, by degrading or ſuſpending them from the privileges of that particular rank, which they held in the city. This was their proper juriſdiction, and the foundation of their power over the Senate; by virtue of which, they frequently purged it of ſome of its unworthy and profligate members; by leaving out of the new-roll, the names of thoſe Senators, whom they found unworthy to ſit in that auguſt aſſembly, for the notoriety of their crimes; which they uſed commonly to aſſign, as the cauſe of their inflicting this diſgrace [1]. There are

[1] Cenſor, penes quem majores noſtri judicium Senatus de dignitate eſſe voluerunt. Cic. pro Dom. 51.

Hic annus Cenſuræ initium fuit; rei a parva origine ortæ: quæ deinde tanto incremento aucta eſt, ut morum diſciplinæque Romanæ penes eam regimen, Senatus, Equitumque centuriæ, decoris decoriſque diſcrimen ſub ditione ejus magiſtratus. Liv. iv. 8.

many

many examples of Senators thus expelled by the Cenſors, generally for good reaſons; yet ſometimes through mere peeviſhneſs, envy, or revenge [1]: but in ſuch caſes, there was always the liberty of an appeal to the final judgment of the people. So that the Cenſorian power, properly ſpeaking, was not that of making or unmaking Senators, but of enrolling only thoſe whom the people had made; and of inſpecting their manners, and animadverting upon their vices; over which they had a ſpecial juriſdiction delegated by the people. Their rule of cenſuring ſeems to have been grounded on an old maxim of the Roman policy, injoining, *That the Senate ſhould be pure from all blemiſh, and an example of manners to all the other orders of the city:* as we find it laid down by *Cicero* in his book of laws, which were drawn, as he tells us, from the plan of the Roman conſtitution [2].

It is certain, that ſeveral laws were made at different times to regulate the conduct of the

Patrum memoria inſtitutum fertur, ut Cenſores Senatu motis adſcriberent notas. Id xxxix. 42.

[1] See the account of the Cenſorſhip of C. Claudius Nero, and M. Livius Salinator, in which they both peeviſhly affronted and diſgraced each other, and were called to an account for their adminiſtration by one of the Tribuns. Itaque ibi fœdum certamen inquinandi famam alterius cum ſuæ famæ damno factum eſt—Cn. Bæbius Tribunus plebis ad populum diem utrique dixit. Liv. xxxix. 37.

[2] Cenſores probrum in Senatu ne relinquunto, is ordo vitio careto. Ceteris ſpecimen eſto. Cic. de Leg. iii.

Cenſors,

Cenſors, of which we have now no remains. *Feſtus* ſpeaks of one, not mentioned by any other writer, the *Ovinian law*; by which they were obliged, in making up the roll of the Senate, *to take the beſt men of every order, choſen in an aſſembly of the Curiæ* [1]. This law was probably made ſoon after the creation of the Cenſors, or as ſoon at leaſt as they began to extend their power, and uſe it arbitrarily; in order to reduce them to the original conſtitution. *Cicero* takes occaſion to obſerve, in one of his ſpeeches, "That their anceſtors had provided many checks "and reſtraints on the power of the Cenſors: "that their acts were often reſcinded by a vote "of the people: that the people by marking a "man with infamy, or convicting him of any "baſe crime, deprived him at once of all future "honors, and of all return to the Senate; but "that the Cenſorian animadverſion had no ſuch "effect; and that the perſons diſgraced by it "were commonly reſtored to the Senate, and "ſometimes made even Cenſors after it them-"ſelves [2]." And in another place he ſays, "That the judgment of the Cenſors had no "other force, than of putting a man to the "bluſh; and that it was called ignominy, be-"cauſe it was merely nominal [3].

[1] Donec Ovinia tribunitia intervenit, qua ſanctum eſt, ut cenſores ex omni ordine optimum quemque curiatim Senatu legerent. In voc. Præteriti.

[2] Pro Cluent. 42, 43, 44.

[3] Fragment. de Rep. l. iv.

L. Metellus was animadverted upon by the Cenſors, while he was *Quæſtor:* yet, notwithſtanding that diſgrace, was choſen Tribun of the people, the year following, A. U. 540: in which office, he called the Cenſors to an account before the people, for the affront, which they had put upon him; but was hindred by the other Tribuns, from bringing that affair to a trial [1]. We find likewiſe *C. Claudius* and *T. Sempronius* called to an account before the people for their adminiſtration in the Cenſorſhip [2]: and in a diſpute between themſelves, about the aſſignment of a proper tribe to the ſons of ſlaves made free, *Claudius* alledged, *that no Cenſor could take from any citizen his right of ſuffrage, without the expreſs command of the people* [3]. *Q. Metellus*, when Cenſor, left the name of *Atinius*, one of the Tribuns of the People, out of the roll of the Senate: but the Tribun, enraged by the affront, ordered the Cenſor to be ſeized and thrown down the *Tarpeian* rock; which would probably have been executed, if the other Tribuns had not reſcued him. The ſame Tribun however took his revenge, by the ſolemn con-

[1] Extemplo Cenſoribus —— a L. Metello Tribuno pleb. dies dicta ad populum eſt. Quæſtorem eum proximo anno tribu moverant —— ſed novem tribunorum auxilio, vetiti cauſam in magiſtratu dicere. Liv. xxiv. 43.

[2] Non recuſantibus Cenſoribus, quo minus primo quoque tempore judicium de ſe populus faceret. Liv. xliii. 16.

[3] Negabat Claudius ſuffragii lationem injuſſu populi Cenſorem cuiquam homini, nedum ordini univerſo, adimere poſſe. Liv. xlv. 15.

ſecration

ſecration of *Metellus's goods* [1]. Now theſe facts demonſtrate, that the power of the Cenſors, inſtead of being abſolute, as your Lordſhip contends, in the caſe of making Senators, had in reality little or no ſhare in it; and was much limited alſo and reſtrained in, what is allowed to be their proper juriſdiction, the affair even of unmaking or degrading them.

Let us inquire, therefore, on what reaſons *M. Vertot* has ſo peremptorily declared, that the facts and examples of hiſtory are contrary to this notion of the people's power: in the caſe under debate. By theſe facts, he means the inſtances of Senators created and expelled by the ſole authority of the Cenſors, without any apparent conſent or interpoſition of the people: and ſo far it muſt be allowed, that they ſeldom made a new roll of the Senate, without ſtriking ſeveral out of it, as either their own tempers, or the particular condition of the times, diſpoſed them to more or leſs ſeverity: and their adminiſtration was uſually reckoned moderate, when *three or four* onely were ſo diſgraced by them [2].

[1] Atqui C. Atinius, patrum memoria, bona *Q. Metelli*, qui eum ex Senatu Cenſor ejecerat——conſecravit; foculo poſito in roſtris, adhibitoque tibicine. Cic. pro Dom. 47.

Q. Metellus—ab C. Atinio Labeone—revertens e campo, meridiano tempore, vacuo foro & Capitolio, ad Tarpeium raptus ut præcipitaretur, &c. Plin. Hiſt. Nat. vii. 44.

[2] Cenſores T. Quintius Flamininus & M. Claudius Marcellus Senatum perlegerunt: quatuor ſoli præteriti ſunt, nemo curuli honore uſus, & in equitatu recenſendo

But

But it muſt always be remembered, that the ejected Senators had the right of an appeal and redreſs from the people, if they thought themſelves injured; and if they did not take the benefit of it, we may impute it to a diſtruſt of their cauſe, and a conſciouſneſs of their guilt.

Cato the elder, when Cenſor, ſtruck *ſeven* out of the roll of the Senate: and among the reſt, one of Conſular dignity; the brother of the great *T. Flaminius*. But the high quality of the perſon diſgraced, obliged *Cato* to ſet forth the greatneſs of his crime in a ſevere ſpeech; on which *Livy* remarks, "That, if he "had made the ſame ſpeech, by way of accuſa-"tion, to the people, before his animadverſion, "which he made afterwards, to juſtify it, even "*T. Flaminius* himſelf, if he had then been "Cenſor, as he was in the preceding Luſtrum, "could not have kept his brother in the Se-"nate." In the end of this ſpeech, *Cato* puts the ejected Senator in mind, "That, if he deni-"ed the fact, with which he was charged, he "might defend himſelf, by bringing the mat-"ter to a trial; if not, no body would think "him too ſeverely treated [1]." This caſe ſhews, what was the legal and ordinary method of relief, as well as the reaſon, why few perhaps were diſpoſed to make uſe of it.

The Cenſors were generally men of the firſt

mitis admodum cenſura fuit. Liv. xxxviii. 28. [1] Liv. xxxix. 42, 43.

dignity

dignity in the city, and always of Conſular rank; ſo that their acts had naturally a great weight: and the ſeverity of their diſcipline was conſidered by the honeſt of all orders, as a great guard and ſecurity to the Republic: and when they acted even on ſpiteful and peeviſh motives, yet the parties injured would not always take the trouble of going through a trial, ſince they could be relieved without it, either by the next Cenſors, as they commonly were [1]; or by obtaining a new magiſtracy, in the next annual elections; by which they were reſtored of courſe to the Senate. But if any of theſe animadverſions continued to have a laſting effect, it was always owing to an univerſal approbation of them from all the orders of the city: for whenever they appeared to be violent or groſsly unjuſt, neither the Senate nor the people would endure it for a moment.

Thus when *Appius Claudius* the Cenſor, [A.U. 441.] upon ſome extraordinary deficiency in the Senate, filled up the new roll with ſome of thoſe citizens, *whoſe grandfathers had been ſlaves*, contrary to the eſtabliſhed rule and practice of the city, *there was not a ſoul*, as *Livy* ſays, who *looked upon that enrollment as valid* [2]: and the firſt thing, that the next Conſuls did, was, to

[1] Eorum notam ſucceſſores plerumque ſolvebant. Aſcon. in Divinat. iii.

[2] Appii Claudii cenſura vires nacta, qui Senatum primus libertinorum filiis inquinaverat: & poſteaquam eam lectionem nemo ratam habuit—Liv. ix. 46.

annul

annul it by an appeal to the people, and to reduce the Senate to the old list, as it was left by the preceding Censors [1].

The office of Censor, at its first institution, was designed to be *quinquennial*, or to continue in the same hands for five years; but this length of magistracy, unknown before to *Rome*, was reduced soon after to one year and an half, by a law of *Mamercus Æmilius*, the Dictator: which regulation, though popular, provoked the Censors so highly, that, in revenge for this abridgment of their authority, they put the last disgrace upon the Dictator himself, by turning him even out of his tribe, and depriving him of his vote as a citizen. But a proceeding so extravagant was immediately over-ruled, nor suffered to have the least effect: and the people were so enraged at it, that they would have torn the Censors in pieces, had they not been restrained by the authority of *Mamercus* himself [2]: who, within eight years after, was made Dictator again for the third time. *So little regard was paid*, as *Livy* observes, *to the Censorian mark of disgrace, when it was inflicted unworthily* [3]: and

[1] Itaque Consules—initio anni, quæsti apud populum deformatum ordinem prava lectione Senatus,—negaverunt eam lectionem se, quæ sine recti pravique discrimine, ad gratiam libidinemque facta esset, observaturos.---Ibid. 30.

[2] Populi certe tanta indignatio coorta dicitur, ut vis a Censoribus nullius auctoritate præterquam ipsius Mamerci, deterreri quiverit. Liv. iv. 25.

[3] Adeo---nihil censoria animadversio effecit, quo minus regimen rerum ex no-

about

about a century after, we find one of the Tribuns ſpeaking of this ſame fact, as a proof of the miſchief, which the violence of theſe magiſtrates might do in the Republic [1].

I have hitherto been explaining the ordinary power and juriſdiction of the Cenſors, as far as it related to the creation of Senators. But as under the Conſuls, ſo under theſe Magiſtrates, there muſt have been, as I obſerved, ſome extraordinary creations, made to ſupply the extraordinary vacancies, occaſioned by wars and contagious diſtempers: and in all ſuch caſes, it was certainly a ſtanding rule, to draw out a liſt of the beſt men from all the orders of the city, to be propoſed to the ſuffrage and approbation of the people, in their general aſſembly.

We meet with no account indeed of any ſuch extraordinary creation, under the authority of the Cenſors; nor even of any ordinary one, till one hundred and twenty years after their firſt inſtitution, in the Cenſorſhip of *Appius Claudius*: yet from the reaſon of the thing we may fairly preſume, that there had been ſeveral inſtances of both kinds. We read of a Dictator choſen for that very purpoſe, A. U. 537, at a time when there were no Cenſors in office, and when the Senate was reduced by the war with *Hanni-*

tata indigne domo peteretur. Ibid. 30.

[1] Tenuit Æmilia lex violentos illos Cenſores---qui, quid iſte magiſtratus in Repub. mali facere poſſent, indicarunt, &c. Ib. 34.

bal, to leſs than half of its uſual complement. This Dictator, *M. Fabius Buteo*, being a prudent and moderate man, reſolved to take no ſtep beyond the ordinary forms. " Wherefore he im-
" diately aſcended the Roſtra, and in an aſſem-
" bly of the people, called thither for that occa-
" ſion, ordered the laſt Cenſorian roll of the
" Senate to be tranſcribed and read over, with-
" out ſtriking one name out of it: and gave
" this reaſon for it, that it was not fit for a
" ſingle man, to paſs a judgment upon the re-
" putation and manners of Senators, which be-
" longed by law to two. Then in the place of
" the dead, he firſt added thoſe who had borne
" any *Curule Magiſtracy* ſince the laſt call; after
" them, the *Tribuns*, *Ædiles*, and *Quæſtors*; and
" laſtly thoſe, who had not born any of theſe
" offices, but had ſerved with honour in the
" wars, and *could ſhew ſpoils taken from the ene-*
" *my, or a Civic crown:* and having thus added
" *an hundred and ſeventy ſeven* new members to
" the old liſt; with the univerſal approbation
" of the aſſembly, he laid down his office [1]."

M. *Vertot* argues, that this nomination of Senators was the pure act and deed of the Dictator, or otherwiſe there could be no reaſon to praiſe him for it: which he confirms, by ſhewing alſo, on the other hand, that the blame of a bad choice was imputed likewiſe to the magiſtrate; as in the caſe of *Appius Claudius*, when he at-

[1] Liv. xxiii. 33.

tempted to introduce the grandſons of ſlaves into the Senate [1]. But this reaſoning is not well grounded; for though praiſe or blame would naturally fall upon the magiſtrate, in proportion, as what he recommended and attempted to enact happened to deſerve the one or the other, yet theſe two caſes ſhew, that the approbation or diſlike of the people did not terminate in the mere praiſe or diſpraiſe of the magiſtrate; but affected the very eſſence and validity of his act: for in the firſt caſe, where the people approved, the act ſtood firm, and had it's effect; but in the other, where they diſapproved, it was preſently annulled and reſcinded.

There was another extraordinary creation of Senators made by *Sylla*, the Dictator, in order to fill up the Senate, exhauſted by his proſcriptions and civil wars, with *three hundred new members from the Equeſtrian rank:* the choice of whom he gave intirely to the people, in an aſſembly of their tribes, which of all elections was the moſt free. His deſign, without doubt, was, to make them ſome amends for his other violences, by paying this reſpect to their ancient rights and liberties [2].

There is a third augmentation alſo, prior to that of *Sylla*, mentioned by the epitomizer of *Livy*, and aſcribed to *C. Gracchus* [3], by which

[1] See Reponſe au Memoire de Lord Stanhope.
[2] Appian. de Bell. Civ. l. i. p. 413.
[3] Lib. lx.

ſix

ſix hundred of the Equeſtrian rank are ſaid to have been added to the Senate at once. But this cannot be true, as being contrary to the teſtimony of all the old writers, who ſpeak of nothing more, than that the right of judicature, which had belonged to the Senate from the time of the Kings, was transferred by *Gracchus* to the *Knights*, *in common with the Senators*; ſo that *three hundred* were to be taken from each order, out of whom the judges in all cauſes ſhould be choſen promiſcuouſly by lot [1]. This was the act of *C. Gracchus*, which continued in force to the time of *Sylla*; and it was this, probably, which led that writer into his miſtake: but if any augmentation of the Senate had been made at the ſame time, it is certain, that it muſt have been made by the power of the people; which no man ever aſſerted ſo ſtrenuouſly, or carried ſo high, as this very *Gracchus*.

Theſe extraordinary creations of Senators, made with the conſent and approbation of the people, in their general aſſemblies, may be preſumed to have paſſed according to the forms of the conſtitution, and conſequently, point out to us the regular method of proceeding in ordinary caſes. But the augmentation made by *Sylla*, as it enlarged the number of the Senators

[1] Μόνοι δ' ἔκριναν τὰς δίκας, [οἱ συγκλητικοὶ] καὶ διὰ τοῦτο φοβεροὶ τῷ δήμῳ καὶ τοῖς ἱππεῦσιν ἦσαν· ὁ δὲ τριακοσίοις τῶν ἱππέων προσκαλέξειν αὐτοῖς, ὅσι τριακοσίοις, καὶ τὰς κρίσεις κοινὰς τῶν ἑξακοσίων ἐποίησε. Plutar. in Vit. C. Gracch.

beyond what it had ever been, ſo it gave an admiſſion to many, who were unworthy of that honour [1]: and the general corruption of manners, introduced by the confuſion and licence of thoſe turbulent times, made it neceſſary to revive the office and ancient diſcipline of the Cenſors [2], which had lain dormant for ſeventeen years paſt: in which the new Cenſors, *L. Gellius*, and *Cn. Cornelius Lentulus*, exerciſed their power with more ſeverity, than had ever been known before: for they left *ſixty four* out of the roll of the Senate; of whom *C. Antonius* was one, who, within ſeven years after, was choſen Conſul, together with *Cicero*; and *P. Lentulus* another, who, as I have ſaid above, was choſen Prætor again, after that diſgrace, and in that office, put to death for conſpiring with *Catiline*. *Cicero* ſpeaks of ſeveral more, who were degraded by the ſame Cenſors, for a charge of bribery and extortion in their judicial capacity; yet were all, not onely reſtored to the Senate, but acquitted alſo afterwards of thoſe very crimes in a legal trial [3].

[1] Judicum culpa atque dedecore etiam Cenſorium nomen, quod aſperius antea populo videri ſolebat, id nunc poſcitur, id jam populare atque plauſible factum eſt. Cic. in Cæcil. Divinat. iii.

[2] Βελήν τε γὰρ ἐκ τῶν ἐπιλυχόντων ἀνθρώπων συνέστησε, Σύλλα. Dionyſ. l. v. 57.

[3] Quos autem ipſe L. Gellius & Cn. Lentulus, duo Cenſores—furti & captarum pecuniarum nomine notaverunt: ii non modo in Senatum redierunt, ſed etiam illarum ipſarum rerum judiciis abſoluti ſunt. Cic. p. Cluent. 42.

The

The ſeverity of this Cenſorſhip furniſhed a petext not long after to *P. Clodius*, for procuring a law, to prohibit the Cenſors, from ſtriking any one out of the roll of the Senate, or diſgracing him in any manner, upon the report of common fame, or the notoriety of any crime, *till he had been formally accuſed and found guilty by the common judgement of both the Cenſors* [1]. *Cicero* frequently inveighs againſt this law, and reflects ſeverely on *Clodius*, for abridging or aboliſhing a ſalutary power, that had ſubſiſted four hundred years, and was neceſſary to ſupport the credit and dignity of the Senate [2]. But in this, perhaps, he was influenced rather by his reſentment againſt his inveterate enemy, the author of it, than by any iniquity in the law itſelf, which ſeems to have been a reaſonable one in a free ſtate.

Now from all theſe facts and teſtimonies we may collect, what was the proper part of the Cenſors in the affair of creating Senators. For in the ordinary way of making them, they had nothing more to do, than to enroll the names of thoſe, who had borne the public offices, ſince the laſt call or review of the Senate: and to degrade them, was to leave them onely out of the roll,

[1] Τοῖς δὲ Τιμήλαις ἀπηγόρευσε, μητ' ἀπαλείφειν ἐκ τινὸς τέλους, μητ' ἀτιμάζειν μηδένα, χωρὶς ἢ εἴτις παρ' ἀμφοτέροις σφίσι κριθεὶς ἁλοίη. Dio. l. xxxvii. p. 66. E.

[2] Ab eodem homine, in ſtupris inauditis, nefariiſque verſato, vetus illa magiſtra pudoris & modeſtiæ, ſeveritas cenſoria ſublata eſt. In Piſon. iv. Pro Sext. 25.

when, by the notoriety of their crimes, they had ſhewn themſelves unworthy of that high rank, to which the Roman people had advanced them. But that they had no right of creating them, is plain from the caſe of the *Flamen Dialis*; who upon the oppoſition made to his claim, did not ſeek redreſs from the Cenſors, but the Tribuns; that is, from the people, as the ſovereign judges of the affair. Laſtly, the deſcription given by *Cicero*, of the Cenſorian juriſdiction in all its branches, is exactly conformable to my hypotheſis: for he aſſigns them no part in the creation of Senators, nor any other power over that body, than what flowed from their right of inſpecting the manners of all the citizens. *Let them govern*, ſays he, *the morals of the city, and leave no ſtain or ſcandal in the Senate* [1].

But I muſt not forget to acknowledge, that, though the public magiſtrates had a right, by virtue of their office, to a place in the Senate, yet they could not, in a ſtrict ſenſe, be eſteemed complete Senators, till they had been enrolled by the Cenſors at the next luſtrum. This is the ſole reaſon, for which the writers commonly aſcribe an abſolute power to the Cenſors in the caſe of making Senators; not conſidering, that the enrollment was but a matter of form, which was never denied, or could be denied to any, but for ſome notorious immorality: and that

[1] Mores populi regunto: probrum in Senatu ne relinquunto. Cic. de Leg. iii. 3.

a right

a right of creating and degrading Senators by a plenitude of power, is a quite different thing, from that of enrolling onely thoſe, whom others had created, or rejecting them for a charge of crimes, which had rendered them unworthy of that honor, to which they had been raiſed by a different authority. For the part of enrolling or ſtriking out the names of Senators, was all that the Cenſors had to do in this affair, in which they were ſtill ſubject to the final judgement of the people, and liable to be obſtructed in the diſcharge of it, by any of the Tribuns [1].

Beſides this taſk of enrolling the Senators, and inſpecting their manners, it was a part likewiſe of the Cenſorian juriſdiction, *to let out to farm all the lands, revenues, and cuſtoms of the Republic; and to contract with artificers, for the charge of building and repairing all the public works and ædifices, both in Rome and the colonies of Italy* [2]. Now in this branch of their office, it is certain, that they acted merely under the authority of the people, and were prohibited by law, *to let out any of the revenues, except in the Roſtra, under the immediate inſpection, and in the very preſence of the people* [3]. In conſequence

[1] Dio, l. xxxvii. p. 33. D. Cn. Tremellius Tribunus, quia lectus non erat in Senatum, interceſſit. Liv. xlv. 15.

[2] Cenſores interim Romæ—ſarta tecta acriter & cum ſumma fide exegerunt, viam e foro Boario ad Veneris, & circa foros publicos & ædem Matris Magnæ in Palatio faciendam locaverunt. Vectigal etiam novum ex Salaria annona ſtatuerunt, &c. Liv. xxix. 37. Polyb. l. vi. 464. C.

[3] Cenſoribus vectigalia

of which, when *Fulvius Flaccus*, one of the Cenſors, was ordering ſome great and expenſive works, more arbitrary than the law would regularly warrant, his Collegue *Poſtumius* refuſed to join with him, and declared, that he would not engage himſelf in any contracts, to the waſte of the public treaſure, *without an expreſs order of the Senate and the people, whoſe treaſure it was* [1]. If the Cenſors then, in theſe inferior articles of their adminiſtration, were obliged to act under the immediate controll and inſpection of the people, and as miniſters only of the people's will, we may reaſonably infer, that they could not act in any other capacity, in the more important affair, of making and unmaking Senators.

Again, in the general cenſus and review of the city, held by them every five years, though every ſingle citizen was particularly ſummoned and enrolled by name, in his proper tribe, as a freeman of *Rome*, yet that ſolemn enrollment, as *Cicero* tells us, *did not confirm any man's right to a citizenſhip, but ſignified onely, that he had paſſed for a citizen at that time* [2]. Becauſe

locare, niſi in conſpectu populi Romani non licet. Cic. de Leg. Agrar. i. 3. Vectigalia nuſquam locare licet, niſi ex hoc loco, [ex Roſtris] hac veſtrûm frequentia. Ib. ii. 21.

[1] Alter ex iis Fulvius Flaccus, (nam Poſtumius nihil niſi Senatus Romani populive juſſu ſe locaturum ipſorum pecunia dicebat) Jovis ædem Piſauri & Fundis, &c. Liv. xli. 27.

[2] Sed quoniam Cenſus non jus civitatis confirmat, ac tantummodo indicat, eum qui ſit cenſus, ita ſe jam tum geſſiſſe pro cive. Cic. pro Arch. 5.

the

the proper power of determining that right reſided always in the people [1]: whence we may conclude likewiſe by a parity of reaſon, that the Cenſorian roll of the Senate did not either confer or take away any one's right to that high order, unleſs it were confirmed, either by the preſumed conſent, or expreſs command of the Roman people.

But though the magiſtrates of the city had a right to a place and vote in the Senate, as well during their office, as after it, and before they were put upon the roll by the Cenſors, yet they had not probably a right, to ſpeak or debate there on any quæſtion, at leaſt in the earlier times of the Republic. For this ſeems to have been the original diſtinction between them and the ancient Senators, as it is plainly intimated in the *formule* of the Conſular edict, ſent abroad to ſummon the Senate, which was addreſſed *to all Senators, and to thoſe, who had a right to vote in the Senate* [2]. From which diſtinction, theſe laſt, who had onely a right to vote, were called, by way of ridicule, *Pedarians*; becauſe they ſignified their votes by their feet, not their tongues; and upon every diviſion of the houſe, went over to the ſide of thoſe, whoſe opinion they ap-

[1] Mutines etiam Civis Rom. factus, rogatione ab Tribunis pl. ex auctoritate Patrum, ad plebem lata. Liv. x. 52.

[2] Conſules edixerunt, quoties in Senatum vocaſſent, uti *Senatores, quibuſque in Senatu dicere ſententiam liceret*, ad portam Capenam convenirent. Liv. xxiii. 32. it. xxxvi. 3. Feſtus in voc. Senatores.—A. Gell. l. iii. 18.

proved.

proved [1]. It was in alluſion to this old cuſtom, which ſeems however to have been wholly dropt in the later ages of the Republic, that the mute part of the Senate continued ſtill to be called by the name of *Pedarians*, as we learn from *Cicero*, who, in giving an account to *Atticus*, of a certain debate and decree of the Senate upon it, ſays, that *it was made with the eager and general concurrence of the Pedarians, though againſt the authority of all the Conſulars* [2].

From the diſtinction, ſignified above, in *the formule* of ſummoning the Senate, it may not perhaps be improbable, that on certain urgent occaſions, in which an extraordinary diſpatch or ſecrecy was required in their counſels, the latter part of the edict might be omitted, and none but the old and proper Senators called to the meeting: and if this was the caſe, as ſome writers have imagined [3], it will clear up the difficulty of a ſtory in *Valerius Maximus*, which has greatly perplexed all thoſe, who have treated this quæſtion, and is thus related; "*Q. Fabius* "*Maximus*, on his return from the Senate, "happening to meet with *P. Craſſus*, told him,

[1] Non pauci ſunt qui arbitrantur *Pedarios* Senatores appellatos, qui ſententiam in Senatu non verbis dicerent, ſed in alienam ſententiam pedibus irent, &c. Vid. A. Gell. l. iii. 18.

Ita appellatur, quia tacitus tranſeundo ad eum, cujus ſententiam probat, quid ſentiat, indicat. Feſt. in *Pedarius*.

[2] Eſt enim illud S. C. ſumma Pedariorum voluntate, nullius noſtrum auctoritate factum. Ad Att. i. 19.

[3] Vid. Pighii Annales, tom. i. p. 72.

"by

" by way of news, what had been reſolved ſe-
" cretly about the *Punic war*, remembring, that
" *Craſſus* had been *Quæſtor* three years before,
" and not knowing, that he had not yet been
" put upon the roll of the Cenſors, and ſo had
" no right to be in the Senate: for which *Fabius*
" was ſeverely reprimanded by the Conſuls [1]."
For *Valerius* muſt not be underſtood to aſſert, that the *Quæſtors* had no right to an admiſſion into the Senate, till they were enrolled by the Cenſors: ſince it appears from unqueſtionable facts and teſtimonies, drawn from the practice, at leaſt, of the later ages of the Republic, that they had not onely an entrance and vote in it, but a free liberty of ſpeaking alſo, or debating on all quæſtions: ſo that I ſee no way of accounting for the offence committed by *Fabius*, in giving part of the deliberation to *P. Craſſus*, but that it was one of that *ſecret kind* [2], to

[1] Val. Max. ii. 2.

[2] *J. Capitolinus* mentions a decree of the Senate of this *ſecret kind*, which he calls *S. C. tacitum*, and ſays, that the uſe of them among the ancients was derived from the neceſſities of the public, when, upon ſome imminent danger from enemies, the Senate was either driven to ſome low and mean expedients, or to ſuch meaſures, as were proper to be executed before they were publiſhed, or ſuch as they had a mind to keep ſecret even from friends; on which occaſions they commonly recurred to a *tacit decree*, from which they excluded their clerks and ſervants, performing that part themſelves, leſt any thing ſhould get abroad. Capitolin. de Gordianis, c. 12. In the early times of the Republic there are ſeveral inſtances mentioned by hiſtorians, of ſuch private meetings of the Senate, ſummoned by the

which

which the old Senators onely uſed to be ſummoned in the early ages.

But that the *Quæſtors* had a direct admiſſion into the Senate, and were ſtyled and treated as Senators, and had a liberty alſo of ſpeaking in their turn, as well as the reſt, is evident, as I have ſaid, from many clear facts and teſtimonies. For inſtance, *C. Marius*, as the ſame *Valerius* ſays, not being able to procure any magiſtracy in *Arpinum*, his native city, ventured to ſue for the *Quæſtorſhip* at *Rome*, which he obtained at laſt *after many repulſes, and ſo forced his way into the Senate, rather than came into it* [1]. *Cicero*, after he had been *Quæſtor*, being elected *Ædile*, as ſoon as he was capable, declares in one of his ſpeeches, how by that advancement, he had gained an *higher rank and earlier turn of delivering his opinion in the Senate* [2]: which implies, that he had a right of ſpeaking there before, when *Quæſtor*, though later onely in point of time, and after the other magiſtrates. In another ſpeech, he ſtyles *P. Clodius*, a Senator, while he was onely of *Quæſtorian* rank [3]: and in a congratulatory letter to *Curio* at *Rome*, upon

Conſuls to their own houſes, to which none but the old or proper Senators were admitted, and of which the Tribuns uſually complained. Vid. Dionyſ. l. x. 40. l. xi. 55, 57.

[1] Patientia deinde repulſarum, irrupit magis in Curiam quam venit. Id. l. vi. 9, 14.

[2] Antiquiorem in Senatu ſententiæ dicendæ locum. In Verr. v. 14.

[3] Adoptat annos viginti natus Senatorem. Pr. Dom. 13, 14.

his

his Election to the Tribunate, taking occasion to renew a request, which he had made to him in former letters, when he had onely been *Quæstor*, he says, *that he had asked it of him before, as of a Senator of the noblest birth, and a youth of the greatest interest, but now of a Tribun of the people, who had the power to grant what he asked* [1]. Lastly, *M. Cato*, as *Plutarch* writes, when he was *Quæstor* of the city, never failed to attend the Senate, for fear, that any thing should pass in his absence to the detriment of the public treasure, of which he was then the guardian [2]: which seems to imply, that he was not onely a Senator in virtue of his office, but had the liberty of acting or speaking there, if he had found occasion.

Before I put an end to my argument, I must add a word or two, on what your Lordship has incidentally touched, *the number of the Senate, and the qualifications of a certain age and estate*, required in its members by law.

As to its number, it is commonly supposed to have been limited to *three hundred*, from the time of the Kings to that of the *Gracchi*. But this must not be taken too strictly: it generally had that number, or thereabouts, and upon any

[1] Itemque petivi sæpius per litteras, sed tum quasi a Senatore Nobilissimo—nunc a Tribuno plebis. Ep. Fam. ii. 7.

[2] Plutar. in Vit. Caton. *Cicero* likewise in reckoning up the number of Senators, who were in *Pompey's* camp, distinguishes them by their several ranks, of *Consular*, *Prætorian*, *Ædilitian*, *Tribunitian*, and *Quæstorian Senators*. Philip. xiii. 14.

remarkable

remarkable deficiency, was filled up again to that complement by an extraordinary creation. But as the number of the public magiſtrates increaſed with the increaſe of their conqueſts and dominions, ſo the number of the Senate, which was ſupplied of courſe by thoſe magiſtrates, muſt be liable alſo to ſome variation. *Sylla*, as we have ſeen above, when it was particularly exhauſted, added *three hundred* to it at once from the Equeſtrian order: which might probably raiſe the whole number to about *five hundred:* and in this ſtate it ſeems to have continued, till the ſubverſion of their liberty by *J. Cæſar*. For *Cicero*, in an account of a particular debate, in one of his letters to *Atticus*, mentions *four hundred and fifteen* to have been preſent at it, which he calls *a full houſe* [1].

That there was a certain age alſo required for a Senator, is often intimated by the old writers, though none of them have expreſly ſignified what it was. The legal age for entring into the military ſervice, was ſettled by *Servius Tullius* at ſeventeen years [2]: and they were obliged, as *Polybius* tells us, to ſerve ten years in the wars, before they could pretend to any civil magiſtracy [3]. This fixes the proper age of ſuing for the *Quæſtorſhip*, or the firſt ſtep of

[1] Cum decerneretur frequenti Senatu—ut Conſules populum cohortarentur ad rogationem accipiendam, homines ad xv Curioni nullum S. C. facienti aſſenſerunt; ex altera parte facile cccc. fuerunt. Ad Att. l. i. 14.

[2] A. Gellius x. 28.

[3] Polyb. de inſtitut. rei milit. l. vi. p. 466.

honor, to the twenty-eighth year: and as this office gave an admiſſion into the Senate, ſo the generality of the learned ſeem to have given the ſame date to the Senatorian age. Some writers indeed, on the authority of *Dion Caſſius*, have imagined it to be *twenty-five years*: not reflecting, that *Dio* mentions it there as a regulation onely, propoſed to *Auguſtus*, by his favorite *Mæcenas* [1].

But for my part, as far as I am able to judge, from the practice of the Republic in its later times, I take the *Quæſtorian age*, which was the ſame with the *Senatorian*, to have been *thirty years* complete. For *Cicero*, who declares in ſome of his ſpeeches, that he had acquired all the honors of the city, without a repulſe in any, and each in his proper year, or as ſoon as he could pretend to it by law, yet did not obtain the *Quæſtorſhip*, till he had paſſed through his thirtieth year [2]: and when *Pompey* was created Conſul, in an extraordinary manner, and by a ſpecial diſpenſation, in his *thirty-ſixth* year, without having borne any of the ſubordinate dignities, *Cicero* obſerves upon it, that he was choſen into the higheſt magiſtracy, before he was qualified by the laws to hold even the loweſt [3]: by which he means the *Ædileſhip*;

[1] Vid. Dio. l. iii. p. 477. Lipſ. de magiſtratib. Rom.

[2] *Cicero* was born A. U. 647. obtained the Quæſtorſhip A. U. 677. which he adminiſtred the year following in *Sicily*. See Life of *Cicero*, vol. i. p. 57. Quarto. Pighii Annales.

[3] Quid tam ſingulare, which

which was the firſt office, that was properly called a magiſtracy, and what could not regularly be obtained, till after an interval of *five years* from the *Quæſtorſhip*.

But my notion ſeems to be particularly confirmed by the tenor of certain laws, given at different times by the Roman governors, to foreign nations, relating to the regulation of their particular Senates: for the *Haleſini*, a people of *Sicily*, as the ſtory is told by *Cicero*, "having "great quarrels among themſelves, about the "choice of their Senators, petitioned the Senate "of *Rome*, to give them ſome laws concerning "it. Upon which the Senate decreed, that "their Prætor *C. Claudius* ſhould provide laws "for them accordingly; in which laws many "things, he ſays, were enacted, concerning their "age; that none, under thirty years, none, who "exerciſed any trade, none, who had not an "eſtate to a certain value, ſhould be capable of "the Senate." *Scipio* likewiſe, as he tells us, gave laws of the ſame kind, and with the ſame clauſes in them, to the people of *Agrigentum* [1]: and laſtly, *Pliny* mentions a law of *Pompey the Great*, given on a like occaſion to the *Bithynians*,

quam ut legibus ſolutus ex S. conſulto Conſul ante fieret, quam ullum alium magiſtratum per leges capere licuiſſet. Cic. pr. Lege Manil. xxi.

[1]. C. Claudius — leges Haleſinis dedit: in quibus multa ſanxit de ætate hominum, ne qui minor triginta annis natu, &c.

Agrigentini de Senatu cooptando, Scipionis leges antiquas habent, in quibus & eadem illa ſancta ſunt, &c. In Verr. ii. 49.

import-

importing, "that none ſhould hold any magiſtracy, or be admitted into their Senate under "the age of thirty; and that all, who had borne "a magiſtracy, ſhould be of courſe in the "Senate [1]." All which clauſes clearly indicate, from what ſource they were derived, and ſhew, what every one would readily imagine, that a Roman magiſtrate would naturally give them Roman laws.

Cicero ſays, that the laws concerning the age of magiſtrates were not very ancient; and were made, to check the forward ambition of the nobles, and *to put all the citizens upon a level in the purſuit of honors* [2]: and *Livy* tells us, that *L. Villius*, a Tribun of the people, was the firſt, who introduced them, A. U. 573, and acquired by it the ſurname of *Annalis* [3]: but long before this, we find an intimation of ſome laws, or cuſtoms of that kind ſubſiſting in *Rome*: and in the very infancy of the Republic, when the Tribuns were firſt created, the Conſuls declared in the Senate, that they would ſhortly correct the petulance of the young nobles, *by a*

[1] Cautum eſt, Domine, Pompeii lege, quæ Bithynis data eſt, nequis capiat magiſtratum, neve ſit in Senatu, qui minor annis xxx ſit; & ut qui ceperint magiſtratum, ſint in Senatu. Ad Trajan. Ep. l. x. 83.

[2] Itaque majores noſtri, veteres illi admodum antiqui, leges annales non habebant, &c. Phil. v. 17.

[3] Eo anno rogatio primum lata eſt ab *L. Villio*, Tribuno plebis, quot annos nati quemque magiſtratum peterent, caperentque; inde cognomen familiæ inditum, ut Annales appellarentur. Lib. xl. 44.

law, which they had prepared, to ſettle the age of the Senators [1].

There was another qualification alſo required, as neceſſary to a Senator; *an eſtate*, proper to ſupport his rank; the proportion of which was ſettled by the law: but I do not any where find, when this was firſt inſtituted, nor even what it was, in any author before *Suetonius*; from whom we may collect, that it was ſettled at *eight hundred ſeſtertia*, before the reign of *Auguſtus* [2]: which are computed to amount to between *ſix and ſeven thouſand pounds* of our money; and muſt not be taken, as it is by ſome, for an annual income, but the whole eſtate of a Senator, real and perſonal, as eſtimated by the ſurvey and valuation of the Cenſors.

This proportion of wealth may ſeem perhaps too low, and unequal to the high rank and dignity of a Roman Senator; but it muſt be conſidered onely as the loweſt, to which they could be reduced: for whenever they ſunk below it, they forfeited their ſeats in the Senate. But as low as it now appears, it was certainly ſufficient, at the time when it was firſt ſettled, to maintain a Senator ſuitably to his character, without the neceſſity of recurring *to any trade*

[1] Ἀλλὰ καὶ εἰς τὸ λοιπὸν ἀνείξομεν αὐλῶν ἀκοσμίαν νόμῳ, τάξαντες ἀριθμὸν ἐτῶν ὃν δεήσει τὸν βουλεύσιας ἔχειν. Dionyſ. l. vi. 66.

Senatorium gradum cenſus adſcendere fecit.

[2] Senatorum cenſum ampliavit; [Auguſtus] ac pro octingentorum millium ſumma, duodecies HS taxavit, ſupplevitque non habentibus. Sueton. in Aug. c. 41.

Of

or ſordid arts of gain, which were likewiſe prohibited to him by the laws [1]. But the conſtitution itſelf does not ſeem to have been very ancient; for we may eaſily imagine, that in thoſe earlier days, when the chief magiſtrate was ſometimes *taken from the plough* [2], and *Corn. Rufinus*, who had been *Dictator and twice Conſul*, was expelled the Senate by *C. Fabricius* the Cenſor, A. U. 477, becauſe he had *ten pounds of ſilver plate in his houſe* [3], no particular

[1] Inviſus Patribus ob novam legem, quam Q. Claudius Trib. pl. adverſus Senatum, uno Patrum adjuvante, C. Flaminio, tulerat, ne quis Senator, quive Senatoris pater fuiſſet, maritimam navem, quæ plus quam trecentarum amphorarum eſſet, haberet. id ſatis habitum ad fructus ex agris vectandos. quæſtus omnis Patribus indecorus viſus. Liv. xxi. 63. Noli metuere, Hortenſi, ne quæram, qui licuerit navem ædificare Senatori. Cic. Verr. v. 18.

N. B. It is certain, that the Senators generally poſſeſſed a much larger proportion of wealth, than what is computed above: for in the fifth year of the ſecond Punic war, A. U. 539. it was decreed by the Senate, that every citizen, who, at the preceding Cenſus, or general taxation of the city, was found to be worth from 400 l. to 800 l. of our money, ſhould furniſh one ſailor with ſix months pay towards maning the fleet; that thoſe, who were rated from 800 l. to 2400 l. ſhould furniſh three ſailors, with a year's pay; that thoſe, who were rated from 2400, to 8000 l. ſhould furniſh five ſailors; that all, who were rated above that ſum, ſhould furniſh ſeven; and that all Senators ſhould furniſh eight, with a year's pay. Liv. xxiv. 11.

[2] Si illis temporibus natus eſſes, cum ab aratro arceſſebantur, qui Conſules fierent. Cic. pro Roſc. Amer. 18.

[3] Ab eo Cornelium Rufinum duobus Conſulatibus & Dictatura ſpecioſiſſime functum, quod decem pondo ar-

preference could be given to wealth in the choice of a Senator: and we find *Pliny* accordingly lamenting the unhappy change, *when their Senators, their Judges, and their Magiſtrates came to be choſen by the value of their eſtate, ſince from that moment, all regard began to be loſt for every thing, that was truly eſtimable and laudable in life* [1]. This qualification of a Senatorian eſtate is referred to by *Cicero* in one of his letters, written in the time of *J. Cæſar's* adminiſtration, where he begs of one of his friends then in power, "not to ſuffer certain lands of *Curtius* to be "taken from him for the uſe of the ſoldiers, "becauſe, without that eſtate, *he could not hold* "*the rank of a Senator*, to which *Cæſar* himſelf "had advanced him [2]."

It appears, from what has been dropt in the courſe of this argument, that there was ſome law alſo ſubſiſting from the earlieſt times, concerning the extraction and deſcent of Senators; injoining, that it ſhould always be ingenuous; and as their morals were to be clear from all vice, ſo their birth likewiſe, from any ſtain of baſe blood: in conſequence of which, when *Appius Claudius*, in his Cenſorſhip, attempted to

gentea vaſa comparaſſet, in ordine Senatorio retentum non eſſe.—Val. Max. l. ii. 9. A. Gell. xvii. 21.

[1] Poſtquam Senator cenſu legi cœptus—peſſum iere vitæ pretia—Plin. Proœm. in lib. xiv. Hiſt. N.

[2] Hoc autem tempore eum Cæſar in Senatum legit: quem ordinem ille, iſta poſſeſſione amiſſa, vix tueri poteſt. Graviſſimum autem eſt, cum ſuperior factus ſit ordine, inferiorem eſſe fortuna. Ep. Fam. xiii. 5.

introduce

introduce *the grandſons of freed ſlaves* into the Senate, they were all, as we have ſeen above, immediately turned out again. For the *Romans* were ſo particularly careful, to preſerve even their common citizens from any mixture of ſervile blood, that they prohibited all marriages between them and freed ſlaves, or their children: and it was decreed, as a ſpecial privilege and reward to one *Hiſpala*, *of libertine condition*, for her diſcovery of the impieties of the *Bacchanalian myſteries*, *that a citizen might take her to wife*, *without any diſgrace and diminution of his rights* [1]. Theſe diſtinctions indeed began to be diſregarded towards the end of the Republic, with reſpect to the ordinary citizens, but were kept up to the laſt, with regard to the Senate. For *Cn. Lentulus*, in his Cenſorſhip abovementioned, turned *Pompilius* out of the Senate, becauſe *his grandfather was a ſlave* made free: yet he allowed him his rank at the public ſhews, with all the outward ornaments of a Senator [2]: and the *Papian* law, made in the end of *Auguſtus's reign*, permits all the citizens, excepting *Senators and their children*, to take *wives of libertine condition* [3].

[1] Utique ei ingenuo nubere liceret; neu quid ei qui eam duxiſſet, ob id fraudi ignominiæve eſſet. Liv. xxxix. 19.

[2] Nam Popillium, quod erat Libertini filius, in Senatum non legit: locum quidem Senatorium ludis, & cetera ornamenta reliquit, & eum omni ignominia liberat. Cic. pro Cluen. 47.

[3] Vid. Pighii Annal. A. U. 761.

Theſe were ſome of the laws, by which the Cenſors were obliged to act, in the enrollment of the new, or the omiſſion of old Senators: and when we read of any left out, without an intimation of their crime, it might probably be, for the want of one or other of theſe legal or cuſtomary qualifications.

The Cenſors continued in their office for eighteen months, and if we ſuppoſe them to have been created onely every five years, the office muſt lie dormant for three years and an half. This is agreeable to what the generality of writers have delivered to us of the Cenſus; that it was celebrated every *fifth year:* and as it was accompanied always by a *luſtration* of the people, ſo the word, *Luſtrum*, has conſtantly been taken, both by the ancients and moderns, for a term of *five years*. Yet if we enquire into the real ſtate of the caſe, we ſhall find no good ground for fixing ſo preciſe a ſignification to it; but, on the contrary, that *the Cenſus and Luſtrum* were, for the moſt part, held irregularly and uncertainly, at very different and various intervals of time, as the particular exigencies of the ſtate required. This is evident, not onely from the teſtimonies of the old writers, but from authentic records and monuments of the fact, *the Old Faſti*, inſcribed on marble, and ſtill preſerved in the *Capitol of Rome*; exhibiting a ſucceſſion of the Roman magiſtrates, with a ſummary of their acts, from the earlieſt ages of the Republic.

For

For example, *Servius Tullius*, who firſt inſtituted the Cenſus and Luſtrum, and afterwards held four of them, began to reign A. U. 175, and reigned forty four years. *Tarquinius Superbus*, who ſucceeded him, held no Cenſus at all.

The Conſuls *P. Valerius* and *T. Lucretius* revived the inſtitution of *Servius*, and held the fifth Cenſus A. U. 245, and the Capitoline marbles, which are defective through the ſeven firſt Luſtrums, mark the eighth to have happened A. U. 279, ſo that the three firſt, which were held by the Conſuls, carry us through an interval of thirty four years.

The Cenſors were created A. U. 311, in which year they celebrated the eleventh Luſtrum; which gives alſo near the ſame interval to the three laſt, which had been held by the Conſuls.

The twentieth Luſtrum, according to the Capitoline marbles, falls A. U. 390 : whence we ſee, that under the Cenſors, who were created for the very purpoſe, of adminiſtring the Cenſus and Luſtrations of the people, yet the nine firſt of their Luſtrums, one with another, take up each of them very near nine years.

The laſt Luſtrum, during the liberty of the Republic, was held by the Cenſors *Appius Claudius* and *L. Piſo*, A. U. 703, and was the ſeventy firſt: ſo that if we compute from the eleventh, or the firſt held by the Cenſors, to the laſt by *Appius Claudius*, the intervening ſixty will each of them contain about ſix years and an half.

This is the real ſtate of the caſe, as it is deduced from the moſt authentic records: from which we ſee, that though time and cuſtom have fixed the notion of a Quinquennium or term of five years, to the word Luſtrum, yet there is no ſufficient ground for it in fact or the nature of the thing.

I have now drawn out every thing, which I took to have any relation to my ſubject, or to be of any uſe towards illuſtrating the genuin ſtate of the Roman Senate, from its firſt inſtitution, to the oppreſſion of its liberty: and am perſuaded, if I do not flatter myſelf too much, that, through every period of its hiſtory, under the *Kings*, *the Conſuls*, *and the Cenſors*, I have traced out from the beſt authorities, one uniform ſcheme of the people's power and abſolute right over this affair, from one end to the other. But as I began my argument with the ſame notion, with which I now end it, ſo it is poſſible, that, like all others, who ſet out with an hypotheſis, I might perhaps have a kind of biaſs upon me, without being ſenſible of it myſelf; ſo as to have given a greater force to ſome facts, than they will eaſily bear, in order to draw them to my particular ſenſe. If this be the caſe, as I am ſure that it will not eſcape your Lordſhip's obſervation, ſo I ſhall have a pleaſure to be corrected by your leſs biaſſed judgment; ſince in this, as well as in all my other enquiries, truth is the onely fruit that I ſeek, or deſire to reap from my labor.

A TREA-

A

TREATISE

ON THE

ROMAN SENATE.

PART the SECOND.

WHAT I have hitherto been diſputing on the ſubject of the Roman Senate, was deſigned onely, to explane the method of creating Senators, or filling up the vacancies of that body. But as that reaches no farther than to it's exterior form, ſo the reader may probably wiſh, that, before I diſmiſs the argument, I would introduce him likewiſe into the inſide of it, and give him a view of their manner of proceeding within doors; which might inable him to form a more adæquate idea of an aſſembly of men, which was unqueſtionably the nobleſt and moſt auguſt, that the world has ever ſeen, or ever will ſee: till another empire ariſe, as widely extended, and as wiſely conſtituted, as that of *Old Rome*. For this purpoſe, I have drawn out into this ſecond part, and diſtributed under proper heads, whatever I had collected on that ſubject from my own obſervation; which I have

I have taken care to ſupport and inlarge every where, as there was occaſion, from the more copious collections of *P. Manutius* and *C. Sigonius*, who, of all the moderns, ſeem to have had the moſt exact, as well as the moſt extenſive knowledge of the affairs of ancient *Rome*. I have not, however, been a mere compiler, or tranſlator of the works of thoſe learned men; but, while I make a free uſe of them, have taken a liberty, to which every one has a right, who draws from the ſame original authorities, of differing from them in ſeveral points, about the force and application of thoſe authorities. But before I enter into a deſcription of the forms and methods of proceding in the Roman Senate, I think it neceſſary in the firſt place, to give a ſummary account of their power and juriſdiction, in order to ſhew what a ſhare they really had in the adminiſtration of the government, and on what important affairs their deliberations were employed.

SECT. I.

Of the power and juriſdiction of the Roman Senate.

I HAVE already ſhewn, how by the original conſtitution of the government, even under the Kings, the collective body of the people was the real ſovereign of *Rome*, and the dernier reſort in all caſes. But their power, though ſupreme and final, was yet qualified by this check, that they could not regularly enact any thing,

which

which had not been previouſly conſidered, and approved by the Senate [1]. This was the foundation of the Senatorian power, as we find it ſet forth, in one of their firſt decrees, concerning the choice of a King, where it is declared, *that an election made by the people ſhould be valid; provided, that it was made with the authority of the Senate* [2]: and not onely in this caſe, but in all others, the ſame rule was obſerved for many ages; and when one of the Tribuns, in contempt of it, ventured to propound a law to the people, on which the Senate had not firſt been conſulted, all his Collegues interpoſed, and declared, that *they would not ſuffer any thing to be offered to the ſuffrage of the citizens, till the Fathers had paſſed a judgment upon it* [3]. And this indeed continued to be the general way of proceding in all quiet and regular times, from

[1] Δύνασθε δὲ ἂν καὶ αὐτοὶ τοῦτο μαρτυρεῖν, ὅτι ἐξ οὗ τήνδε τὴν πόλιν ἔκλισαν ὑμῶν οἱ πρόγονοι τοῦτο τὸ γέρας ἔχουσα ἡ βουλὴ διαλέλεκεν, καὶ οὐθὲν πωποτε ὁ δῆμος ὅτι μὴ προεβουλεύσειεν ἡ βουλὴ ἤτε ἐπέκρινεν, ἤτε ἐπεψήφισε, οὐχ ὅτι νῦν, ἀλλ' οὐδὲ ἐπὶ τῶν βασιλέων. Dionyſ. Hal. l. vii. 38. Ed. Oxon.

[2] Patres decreverunt, ut cum populus regem juſſiſſet, id ſic ratum eſſet, ſi Patres auctores fierent, &c. Liv. i. 17.

Numam Pompilium---populi juſſu, Patribus auctoribus Romæ regnaſſe. Id. iv. 3.

Inde Tullum Hoſtilium---regem populus juſſit, Patres auctores facti. Id. i. 22.

Tum enim non gerebat is magiſtratum, qui ceperat, ſi Patres auctores non erant facti. Cic. pr. Plancio, 3.

[3] Per interceſſionem Collegarum, qui nullum Plebiſcitum, niſi ex auctoritate Senatus, ſe perferri paſſuros, oſtenderunt, diſcuſſum eſt. Id. iv. 49.

the

the beginning of the Republic to the end of it: and the conſtant ſtyle of the old writers, in their accounts of the public tranſactions, is, that the Senate *voted or decreed*, and the people *commanded* ſuch and ſuch an act [1].

Since nothing, therefore, which related to the government, could be brought before the people, till it had been examined by the Senate, ſo on many occaſions, where haſte perhaps or ſecrecy was required, and where the determinations of the Senate were ſo juſt and equitable, that the conſent of the people might be preſumed and taken for granted, the Senate would naturally omit the trouble of calling them from their private affairs, to an unneceſſary attendance on the public; till by repeated omiſſions of this kind, begun at firſt in trivial matters, and proceeding inſenſibly to more ſerious, they acquired a ſpecial juriſdiction and cognizance in many points of great importance, to the excluſion even of the people; who yet, by the laws and conſtitution of the government, had the abſolute dominion over all. For example;

1. They aſſumed to themſelves the guardianſhip and ſuperintendence of the public religion; ſo that no new God could be introduced, nor

[1] Senatus eam pacem ſervandam cenſuit, & paucos poſt dies populus juſſit. Id. xxxvii. 55. Ex auctoritate Patrum, juſſu populi, bellum Faliſcis indictum eſt. Id. x. 45.

Altar erected, nor the Sibylline books consulted, without their express order [1].

2. They held it as their prerogative, to settle the number and condition of the foreign provinces, that were annually assigned to the magistrates, and to declare which of them should be Consular and which Prætorian Provinces [2].

3. They had the distribution of the public treasure, and all the expences of the government; the appointment of stipends to their generals, with the number of their lieutenants and their troops, and of the provisions and cloathing of their armies [3].

4 They nominated all embassadors sent from *Rome*, out of their own body, and received and

[1] Ex auctoritate Senatus, latum ad populum est, nequis templum aramve injussu Senatus aut Tribunorum pl. majoris partis dedicaret. Liv. ix. 46.

Vetus erat decretum, ne qui Deus ab Imperatore consecraretur, nisi a Senatu probatus: ut M. Æmilius de suo Alburno. Tertull. Apol. v.

Quamobrem Sibyllam quidem sepositam habeamus, ut injussu Senatus ne legantur quidem libri. Cic. de Div. liv.

Quoties Senatus Decemviros ad libros ire jussit? ib. i. 48.

[5] Tu provincias Consulares---quas C. Gracchus non modo non abstulit ab Senatu, sed etiam ut necesse esset quotannis constitui per Senatum, lege sanxit. Cic. pr. Dom. 9. Vid. in Vatin.

[3] Καὶ μὴν ἡ σύγκλητος τὸν μὲν ἔχει τὴν τῦ ταμιείυ κυρίαν. καὶ γὰρ τῆς εἰσόδυ πάσης αὕλη κρατεῖ, καὶ τῆς ἐξόδυ παραπλησίως. Polyb. l. vi. 461.

Ἄνευ δὲ τῦ τῆς συγκλήτυ βυλήματος, ὅτε σίτυ, ὅτε ἱματισμυ, ὅτε ὀψάνια δίκαιαι χορηγεῖσθαι τοῖς στρατιώταις, &c. id. 463. Senatus, in augustiis ærarii, Cæsaris exercitum stipendio affecit Cic. pr. Balb. xxvii.

dismissed

diſmiſſed all, who came from foreign ſtates, with ſuch anſwers as they thought proper [1]

5. They had the right of decreeing all ſupplications or public thankſgivings, for victories obtained, and of conferring the honor of an ovation or triumph, with the title of Emperor on their victorious generals [2].

6. It was their province, to inquire into public crimes or treaſons either in *Rome*, or the other parts of *Italy:* and to hear and determine all diſputes among the allied and dependent cities [3].

7. They exerciſed a power, not onely of interpreting the laws, but of abſolving men from the obligation of them, and even of abrogating them [4].

[1] Ne hoc quidem Senatus relinquebas, quod nemo unquam ademit, ut Legati ex ejus ordinis auctoritate legarentur---quis Legatos unquam audivit ſine Senatus conſulto? in Vatin. 15. Vid. Polyb. 461.

[2] Senatus in quatriduum, quod nullo ante bello ſupplicationes decernit. Liv. v. 23. Etenim cui viginti his annis ſupplicatio decreta eſt, ut non Imperator appellaretur? Cic. Phil. xiv. 4. 5.

Τὰς γὰρ προσαγορεύμενας παρ' αὐτοῖς θριάμβους---τότε δ' ἐδίδοσαν χειρίζειν ὡς πρέπει, ποτὲ δὲ τὸ παράπαν οὐδὲ συνιέναι, ἐὰν μὴ τὸ συνέδριον συγκαλέσθηται. Polyb. ibid.

[3] Ὁμοίως καὶ τὰ τῶν ἀδικημάτων τῶν κατ' Ἰταλίαν προσδεῖται δημοσίας ἐπισκέψεως---τῇ συγκλήτῳ μέλει περὶ τούτων. Polyb. 461.

Conſulem—res in Etruria tenuerunt, quæſtiones ex S. C^to^, de conjurationibus principum habentem. Liv xxx. 26. Q. Fabium Labeonem arbitrum Nolanis & Neapolitanis de finibus agri a Senatu datum Cic. Off. i. 10.

[4] Senatus quidem, cujus eſt graviſſimum judicium de

8 In the caſe of civil diſſentions or dangerous tumults within the city, they could arm the Conſuls, by a vote, with abſolute power to deſtroy and put to death, without the formality of a trial, all ſuch citizens as were concerned in exciting them [1].

9. They had a power to prorogue or poſtpone the aſſemblies of the people; to decree the title of King, to any Prince whom they pleaſed; thanks and praiſe to thoſe who had deſerved them; pardon and reward, to enemies or the diſcoverers of any treaſon; to declare any one an enemy by a vote; and to preſcribe a general change of habit to the city, in caſes of any imminent danger or calamity [2].

jure legum. [Cic. pr. Dom. 27.] Quatuor omnino genera ſunt, in quibus per Senatum, more majorum, ſtatuatur aliquid de legibus. Unum eſt ejuſmodi, placere legem abrogari—Alterum, quæ lex lata eſſe dicatur, ea non videri populum teneri. Pr. Cornel. i. vid. Cic. pr leg. Manil. 21. de Pompeio legibus ex Senatus conſulto ſoluto. De Scipionibus legibus ſolutis. Val. Max. viii. 15. it. Cic. Phil. v.

[1] Senatus decrevit, darent operam Conſules nequid detrimenti Reſpub. caperet. ea poteſtas per Senatum, more majorum, Magiſtratui maxima permittitur: exercitum parare, bellum gerere, coercere omnibus modis ſocios atque cives: domi militiæque imperium judiciumque ſummum habere: aliter ſine populi juſſu nulli earum rerum Conſuli jus eſt. Salluſt. de Bell. Catilin. 29. Cic. in Cat. i. 11.

[2] Comitia dilata ex Senatus conſulto. [Cic. Ep. ad Att. iv. 16.] Meminiſtis fieri S. C. me referente, ne poſtero die Comitia haberentur. Cic. pr. Mut. 25.

Is Rex [Deiotarus] quem Senatus hoc nomine ſæpe ap-

Theſe

Theſe were the principal articles, in which the Senate had conſtantly exerciſed a peculiar juriſdiction, excluſive of the people; not grounded on any expreſs law, but the cuſtom onely and practice of their anceſtors, derived to them from the earlieſt ages. And as this was found by long experience, to be the moſt uſeful way of adminiſtring the public affairs, and the moſt conducive to the general peace and proſperity of the city, ſo it was ſuffered by the tacit conſent of the people, to continue in the hands of the Senate, as a matter of convenience, rather than of right, and connived at, rather than granted, for the ſake of the common good [1].

But whenever any bold Tribun, or factious magiſtrate, not content with the honors of the city in the uſual forms, nor with ſuch, as the Senate was diſpoſed to confer upon him, choſe to apply to the people for ſome extraordinary grant of them, the citizens were frequently induced, by the artifices of ſuch leaders, to ſeize into their own hands ſeveral branches of that juriſdiction, which I have been deſcribing, and which had always been adminiſtred before by the

pellaviſſet. [pr. Deiot. 3.]

De Maſiniſſa Rege appellato. Vid. Liv. xxx 17. De præmiis indicibus decretis.

Vid. Salluſt. Bell. Cat. 3. Cic in Car. iv. 3, 3, 4. De Dolabella hoſte judicato. Phil. xi. 12.

De Lepido, Ep Fam. xii. 10. Senatus frequens veſtem pro mea ſalute mutandam cenſuit. Pr. Sext. 12.

[1] Cui populus ipſe moderandi & regendi ſui poteſtatem, quaſi quaſdam habenas, tradidiſſet. Cic. de Orat. i. 52.

Senate,

Senate. And after this method was once introduced and found to be effectual, it became by degrees the common recourſe of all, who, for the advancement of their private ambition, affected the character of popularity; and was puſhed ſo far at laſt, as to deprive the Senate in effect of all it's power and influence in the ſtate.

For in the firſt place, the Tribuns ſoon ſnatched from them that original right, which they had enjoyed from the very foundation of the city, of being the authors or firſt movers of every thing, which was to be enacted by the people; and excluded them from any ſhare or influence in the aſſemblies of their tribes [1]: and though in the other aſſemblies of the *Curiæ* and the *Centuries*, they ſeemed to have reſerved to them their ancient right, yet it was reduced to a mere form, without any real force: for inſtead of being, what they had always been, the authors of each particular act, that was to be propoſed to the people's deliberation, they were obliged by a ſpecial law, to authoriſe every aſſembly of the people, and whatever ſhould be determined in it, even *before the people had proceeded to any vote* [2]: and *C. Gracchus* afterwards, in his fa-

[1] Vid. Dionyſ. Hal. l. xli. 49.

Quod Patres apud majores noſtros non tenere potuerunt, ut reprehenſores eſſent comitiorum Cic. pr. Planc. 3.

[2] Q. Publilii Philonis Dictatura popularis, quod tres leges ſecundiſſimas plebi, adverſas nobilitati tulit: unam, ut plebiſcita omnes Quirites tenerent: alteram, ut

mous

mous Tribunate, uſed to boaſt, *that he had demoliſhed the Senate at once*, by transferring to the Equeſtrian order, *the right of judicature in all criminal Cauſes*, which the Senate had poſſeſſed from the time of the Kings [1].

But no man ever inſulted their authority more openly, or reduced it ſo low, as *J. Cæſar*: who inſtead of expecting from the Senate, as the practice had always been, the aſſignment of a provincial government, at the expiration of his Conſulſhip, applied himſelf directly to the people; and, by the help of the Tribun *Vatinius*, procured from them a law, by which the provinces of *Illyricum* and the *Ciſalpine Gaul* were conferred upon him *for the term of five years*, with a large appointment of money and troops; which ſo ſhocked the Senate, and was thought ſo fatal to their authority, that, leſt it ſhould become a precedent by being repeated, they thought fit, of their own accord, to add to the two provinces already granted to him, the government alſo of the *Tranſalpine Gaul*, which he was underſtood ſtill to deſire, that they might prevent him from making a ſecond application to the people [2]. It was in theſe days of fac-

legum, quæ Comitiis Centuriatis ferrentur, ante initum ſuffragium Patres auctores fierent. Liv. viii. 12.

[1] Ὅτι ἀθρόως τὴν βουλὴν καθῃρήκει. Appian. de Bell. Civ. l. i.

[2] Et initio quidem Galliam Ciſalpinam, Illyrico adjecto, lege Vatinia accepit: mox per Senatum, Comatam quoque; veritis Patribus, ne ſi ipſi negaſſent, populus &

tion and violence, promoted chiefly by *Cæsar*, in the first Triumvirate, that a profligate Consul, *Gabinius*, in a public speech to the people, had the insolence to declare, *that men were mistaken, if they imagined, that the Senate had then any share of power or influence in the Republic* [1]. But in all these insults on the authority of the Senate, though the honest of all ranks loudly inveighed against them, and detested the authors of them, as men of dangerous views, who aspired to powers, that threatened the liberty of the city; yet none ever pretended to say, that the acts themselves were illegal; or that the people had not a clear right, by the very constitution of the Republic, to command and enact whatever they judged expedient.

SECT. II.

Of the right and manner of summoning or calling the Senate together.

THE right of convoking the Senate on all occasions, belonged of course to the Consuls, as the supreme magistrates of the city [2]:

hanc daret. Suet. J. Cæs. c. xxii. Plutar. p. 714.

[1] Habet talem orationem Consul, qualem nunquam Catilina victor habuisset; errare homines, si etiam tum Senatum aliquid in Repub. posse arbitrarentur. Cic. pr. Sext. 12.

[2] What is here said, of the proper right of the Consuls to summon the Senate, must be understood likewise of all those other magistrates, who were created on extraordinary occasions with supreme power, in the place or absence of the Consuls:

which in their abſence devolved regularly to the next magiſtrates in dignity, the Prætors, and the Tribuns [1]. But theſe laſt, as I have elſewhere obſerved, by virtue of their office, clamed and exerciſed a power of ſummoning the Senate at any time, whenever the affairs of the people required it, though the Conſuls themſelves were in the city [2]. Yet, out of deference to the Conſular authority, the Senate was but rarely called, when they were abroad, unleſs in caſes of ſudden emergency, which required ſome preſent reſolution [3].

In the early ages of the Republic, when the precincts of the city were ſmall, the Senators were perſonally ſummoned by an Apparitor [4]: and ſometimes by a public Crier, when their affairs required an immediate diſpatch [5]. But

as, the *Dictator*, *Military Tribuns*, *Decemviri*, *Interrex*, *Præfect of the city*. Vid. A. Gell. xiv. 7.

[1] Placuit nobis, ut ſtatim ad Cornutum, Prætorem urb. litteras deferremus: qui, quod Conſules aberant, Conſulare munus ſuſtinebat, more majorum. Senatus eſt continuo convocatus.—Cic. Ep. Fam. x. 12.

[2] Οἱ δὲ τότε δήμαρχοι ᾠήθησαν συγκαλεῖν ἐπεξάλοιτο τὴν βουλήν. Dionyſ. x. 31.

Cum Tribuni pl. edixiſſent Senatus adeſſet a. d. xiii. Kal. Jan. Cic. Ep. Fam. xi. 6. it. x. 28.

[3] Senatus ſæpius pro tua dignitate appellaret, ſi abſentibus Conſulibus unquam, niſi ad rem novam cogeretur. Cic. ibid. xii. 28. Liv. xxx. 23.

[4] A Villa in Senatum arceſſebantur & Curius & ceteri Senes: ex quo, qui eos arceſſebant, Viatores nominati ſunt. Cic. de Sen. xvi.

[5] Poſtquam audita vox in Foro præconis, Patres in Curiam ad Decemviros vocantis, &c. Liv. iii. 38. Ὅπι-

the

the uſual way of calling them in later days, was by an edict, appointing the time and place, and publiſhed ſeveral days before, that the notice might be more public [1]. Theſe edicts were commonly underſtood to reach no farther than to thoſe, who were reſident in *Rome*, or near it; yet when any extraordinary affair was in agitation, they ſeem to have been publiſhed alſo in the other cities of *Italy* [2]. If any ſenator refuſed or neglected to obey this Summons, the Conſul could oblige him to give ſurety, for the payment of a certain fine, if the reaſons of his abſence ſhould not be allowed [3]. But from ſixty years of age, they were not liable to that penalty, nor obliged to any attendance, but what was voluntary [4]. In ancient times, as *Valerius* writes, "the Senators were ſo vigi-"lant and attentive to the care of the public,

μι⊙ τὴν βυλὴν διὰ κηρύκων συνεκάλει. App. Bell. Civ. i.

[1] Cum tot edicta propoſuiſſet Antonius, (Conſul) edixit, ut adeſſet Senatus frequens a. d. viii. Kal. Dec.—in antediem. iv. Kal. diſtulit. Cic. Phil. iii. 8.

[2] Senatum etiam Kalendis velle ſe frequentem adeſſe, etiam Formiis proſcribi juſſit. Cic. de J. Cæſare, ad Att. ix. 17.

[3] Poſtquam citati non convenieb.nt, dimiſſi circa domos Apparitores ad pignora capienda. Liv. iii. 38. Quis unquam tanto damno Senatorem coegit? aut quid eſt ultra, præter pignus & mulctam? Cic. Phil. i. 5.

[4] Lex a ſexageſimo anno Senatorem non citat. Senec. de Brev. vit. xx. But *Seneca* the father tells us, that their abſence was excuſed onely from the *ſixty fifth year* of their age, which ſeems moſt probable. Controv. Ult. l. i. Senator poſt annum ſexageſimum quintum in Curiam venire nec cogitur nec vetatur.

" that, without waiting for an edict, they used " to meet constantly of themselves, in a certain " portico, adjoining to the Senate house, whence " they could presently be called into it, as soon " as the Consul came; esteeming it scarce wor- " thy of praise, to perform their duty to their " country, by command onely, and not of their " own accord [1].

SECT. III.

Of the place in which the Senate used to meet.

THE Senate could not regularly be assembled in any private or profane place; but always in one set apart, and *solemnly consecrated to that use, by the rites of augury* [2]. There were several of these in different parts of the city, which are mentioned occasionally by the old writers, as places, in which the Senate usually met; as they happened to be appointed by different Consuls, agreeably either to their own particular convenience, or to that of the Senate in general, or to the nature of the business which was to be transacted. These Senate houses were called *Curiæ*, as the *Curia Calabra*, said to be built by *Romulus*; the *Curia Hostilia*,

[1] Val. Max. l. ii. 2, 6.

[2] Docuit confirmavitque (Varro) nisi in loco per Augures constituto, quod Templum appellaretur, Senatus consultum factum esset, justum id non fuisse. A. Gell. xiv. 7.

by

by *Tullus Hoſtilius*; and the *Curia Pompeia*, by *Pompey the Great* [1].

But the meetings of the Senate were more commonly held in certain temples dedicated to particular Deities; as in that of *Jupiter*, *Apollo*, *Mars*, *Vulcan*, *Caſtor*, *Bellona*; of *Concord*, *Faith*, *Virtue*, *the Earth*, &c. For we find all theſe particularly celebrated by the ancients, as places, where the Senate was frequently aſſembled: all which had Altars and Images erected in them, for the peculiar worſhip of thoſe Deities, whoſe names they bore: yet theſe Temples, on account of the uſe which the Senate made of them, were called likewiſe *Curiæ*; as well as the proper *Curiæ*, or Senate houſes, on account of their ſolemn dedication, are frequently called *Temples* [2]: For the word Temple, in it's primitive ſenſe, ſignified nothing more, than a place ſet apart, and conſecrated by the Augurs; whether

[1] Juxta Curiam Calabram, quæ Caſæ Romuli proxima eſt. Macr. Sat. i. 15.

Quod cum Senatus de his rebus in Curia Hoſtilia haberetur. Liv. v. 55.

Poſtquam Senatus Idib. Mart. in Curiam Pompeii edictus eſt, Suet. J. Cæſ. 80.

[2] Propterea & in Curia Hoſtilia & Pompeia—quum profana ea loca fuiſſent, templa eſſe per Augures conſtituta, ut in iis Senatus conſulta, more majorum, juſta fieri poſſent. A. Gell. xiv. 7.

Qui—Curiam incenderit? —Templum ſanctitatis, amplitudinis, mentis, conſilii publici—[Cic. pr. Mil. 33.] Cum Senatus in Curiam, hoc eſt, Ædem Concordiæ, Templumque inauguratum conveniſſet. Lamprid. Alex. Sev. c. 6.

incloſed or open, in the city or in the fields. Agreeably to which notion, the Senate uſed to meet on ſome occaſions in the open air; and eſpecially whenever a report was made to them in form, that *an ox had ſpoken*; which prodigy, as *Pliny* tells us, was common in the earlier ages [1].

The view of the government, in appropriating theſe Temples to the uſe of the Senate, was, to imprint the more ſtrongly on the minds of it's members, the obligation of acting juſtly and religiouſly, from the ſanctity of the place, and the preſence, as it were, of their Gods. Thus one of the Cenſors removed the ſtatue of *Concord*, from a part of the city, in which it was firſt erected, into the Senate houſe, which he dedicated to that Goddeſs; imagining, as *Cicero* tells us, *That he ſhould baniſh all love of diſſenſion, from that ſeat and temple of the public council, which he had devoted by that means to the religion of Concord* [2]. The caſe was the ſame with the Temples of the other Goddeſſes, in which the Senate often met; of *Bellona*, *Faith*,

[1] In hoc tumultu Flaccus inter Æſquilinam Collinamque portam poſuit caſtra. Conſules Senatuſque in caſtra venerunt. Liv. xxvi. 10.

Eſt frequens in prodigiis priſcorum, bovem locutum: quo nuntiato, Senatum ſub divo haberi ſolitum. Plin. Hiſt. N. viii. 45.

[2] Præſcribere enim ſe arbitrabatur, ut ſine ſtudiis diſſenſionis ſententiæ dicerentur, ſi ſedem ipſam ac templum publici conſilii religione Concordiæ devinxiſſet. Cic. pr. Dom. 51.

Virtue,

Virtue, *Honor*; that the very place might admoniſh them, of the reverence due to thoſe particular virtues, which their anceſtors had deified for the ſake of their excellence: and it was to ſtrengthen this principle and ſenſe of religion in them, that *Auguſtus* afterwards enjoined, *that every Senator, before he ſat down in his place, ſhould ſupplicate that God, in whoſe Temple they were aſſembled, with incenſe and wine* [1].

The Senate, on two ſpecial occaſions, was always held without the gates of *Rome*, either in the Temple of *Bellona*, or of *Apollo*, 1ſt, For the reception of foreign embaſſadors; and eſpecially of thoſe, who came from enemies, who were not permited to enter the city. 2dly, To give audience and tranſact buſineſs with their own generals, who were never allowed to come within the walls, as long as their commiſſion ſubſiſted, and they had the actual command of an army [2].

[1] Quo autem lecti probatique & religioſius & minore moleſtia, Senatoria munera fungerentur, ſanxit, ut prius, quam conſideret quiſque, thure ac meto ſupplicaret apud aram ejus Dei, in cujus Templo coiretur. Suet. Aug. c. 35.

[2] Legati Nabidis Tyranni Romam venerunt duo; his extra Urbem, in Æde Apollinis Senatus datus eſt. Liv. xxxiv. 43.

Legati ab Rege Perſeo venerunt, eos in oppidum intromitti non placuit, quum jam bellum Regi eorum—Senatus decreſſet, & populus juſſiſſet—in Ædem Bellonæ in Senatum introducti. Id. xlii. 36.

P. Corn. Scipio Conſul—poſtero die quam venit Ro-

SECT.

SECT. IV.

Of the time when the Senate might legally be assembled.

PAULLUS MANUTIUS is of opinion, that there were certain days, on which the Senate might regularly be assembled, and others, on which it could not: and that these last were called *Comitial* days, and marked under that name in the Kalendars, as days wholly destined and set apart by law, for the assemblies of the people [1]. But *Sigonius* contends, that the Senate might meet on any of those days, unless when the people were actually assembled, and transacting business on them: in proof of which, he brings several testimonies from the old writers, wherein the Senate is said to have been held, not onely on those days, which are marked in the *Fasti*, as *Comitial*; but on those also, on which the people had been actually assembled, but after their assemblies were dismissed. He observes likewise, that the number of *Comitial* days, as they are marked in the Kalendars, amount in all to *two hundred:* which makes it

mam, Senatu in Ædem Bellonæ vocato, quum de rebus a se gestis differuisset, postulavit, ut sibi triumphanti liceret in urbem invehi. Id. xxxvi. 39.

Qui ne triumphaturi quidem intrare Urbem injussu Senatus deberetis: quibusque exercitum victorem reducentibus curia extra muros præberetur. Senec. de Benef. v. 15.

[1] De Senatu Romano, c. v.

scarce

ſcarce credible, that either the affairs of the people ſhould neceſſarily employ ſo many days, or that the Senate ſhould be precluded from the uſe of ſo many in each year: from all which he infers, that the title of *Comitial* denoted ſuch days onely, on which the people might be legally aſſembled; not ſuch, on which they were of courſe to be aſſembled [1].

The truth of the matter ſeems to be this, that though the days called *Comitial* were regularly deſtined to the aſſemblies of the people; yet the Senate alſo might not only be convened on the ſame, after the popular aſſemblies were diſſolved, but had the power likewiſe, whenever they found it expedient, to ſuperſede and poſtpone the aſſemblies of the people to another day; and by a particular decree, to authoriſe their own meetings upon them, for the diſpatch of ſome important affair therein ſpecified [2].

The Senate met always of courſe on the firſt of *January*, for the inauguration of the new

[1] Vid. Joh. Sarium Zamoſc. de Senatu Rom. l. ii. 7. quem librum Car. Sigonius ſub nomine diſcipuli ſui ſcripſit.

[2] Senatus deinde, concilio plebis dimiſſo, haberi cœptus. Liv xxxviii. 53. xxxix. 39.

M. Marcellus Conſul—de ea re ita cenſuit, uti Conſules de iis ad Senatum referrent—utique ejus rei cauſa per dies Comitiales Senatum haberent, Senatuſque conſultum facerent. Cic. Ep. Fam. viii. 8.

Meminiſtis fieri Senatus conſultum referente me, ne poſtero die Comitia haberentur, ut de his rebus in Senatu agere poſſemus. Cic. p. Mur. 25.

Conſuls,

Conſuls, who entered into their office on that day: and there are inſtances in the ancient writers, of it's being aſſembled on every other day, except one or two, till after the 15th of the ſame month; the latter part of which was probably aſſigned to the aſſemblies of the people [1]. The month of *February*, generally ſpeaking, was reſerved intire by old cuſtom to the Senate, for the particular purpoſe of giving audience to foreign embaſſadors [2]. But in all months univerſally, there were three days, which ſeem to have been more eſpecially deſtined to the Senate, *the Kalends*, *Nones*, *and Ides*, from the frequent examples found in hiſtory, of its being convened in thoſe days. But *Auguſtus* afterwards enacted, that the Senate ſhould not meet regularly or of courſe, except on *two days* onely in each month, the *Kalends and Ides* [3]. The Senate was ſeldom or never held on public feſtivals, which were dedicated to ſhews and ſports. In the month of *December*, in which the *Saturnalia* were celebrated for ſeveral days ſucceſſively, *Cicero* giving an account of the debates of the Senate, when two hundred members were preſent, calls it *a fuller meeting than*

[1] Vid. Paull. Manut. ib.

[2] A Kalendis Feb. Legationes in Idus Feb. rejiciebantur. Cic. ad Fratr. 2, 3.

Hic eſt menſis, quo Senatus frequens poſtulatis provinciarum, & legationibus audiendis datur. Aſcon. in Verr. i. 35. Ep. ac Fratr. ii. 12.

[3] Ne plus quam bis in menſe legitimus Senatus ageretur, Kalendis & Idibus. Suet. Aug. 35.

he

he thought it poſſible to have been, when the holy-days were commencing [1].

On their days of meeting, they could not enter upon any buſineſs *before the ſun was riſen*; nor finiſh any, *after it was ſet*. Every thing tranſacted by them, either before or after that time, was null and void, and the author of it liable to cenſure [2]: whence it became a ſtanding rule, that nothing new ſhould be moved, *after four a clock in the afternoon* [3]. *Cicero* therefore reflects on certain decrees, procured by *Antony*, in his Conſulſhip, as being made *too late in the evening*, to have any authority [4].

[1] Senatus fuit frequentior, quam putabamus eſſe poſſe, menſe Decembri ſub dies feſtos—ſane frequentes fuimus; omnino ad ducentos. Cic. Ep. ad Fr. ii. 1.

[2] Poſt hæc deinceps dicit, (Varro) Senatus conſultum, ante exortum aut poſt occaſum ſolem factum, ratum non fuiſſe. Opus etiam Cenſorium feciſſe exiſtimatos, per quos eo tempore S. C. factum eſſet. A. Gell. xiv. 7.

[3] Majores noſtri novam relationem poſt horam decimam in Senatu fieri vetabant. Senec. de Tranquillitat. 168. A.

[4] Præclara tamen Senatus conſulta illo ipſo die Veſpertina. Cic. Phil. iii. 10.

There is one inſtanc however of the Senate's being aſſembled at midnight. A. U. 290. upon the arrival of an expreſs from one of the Conſuls, to inform the Senate, that he was beſieged by the ſuperior forces of the *Æqui* and *Volſci*, and in danger of being deſtroyed, with his whole army, without an immediate ſuccour; which was accordingly decreed and ſent to him without loſs of time. Dionyſ. ix. 63.

SECT.

SECT. V.

Of the different ranks and orders of men in the Senate, and of the method obſerved in their deliberations.

THE Senate, as I have ſhewn above, was compoſed of all the principal magiſtrates of the city, and of all, who had borne the ſame offices before them: and conſiſted therefore of ſeveral degrees and orders of men, who had each a different rank in it, according to the dignity of the character, which he ſuſtained in the Republic.

At the head of it, ſat the two Conſuls in chairs of ſtate [1]; raiſed, as we may imagine, by a few ſteps, above the level of the other benches: out of reſpect to whoſe ſupreme dignity, the whole aſſembly uſed to pay the compliment of *riſing up* from their ſeats, as ſoon as they entered into the Senate houſe [2]. *Manutius* thinks, that the other magiſtrates ſat next to the Conſular chair, each according to his rank; the *Prætors*, *Cenſors*, *Ædiles*, *Tribuns*, *Quæſtors* [3]. But that opinion is grounded only

[1] Non hæc ſedes honoris, ſella curulis, unquam vacua mortis periculo fuit. Cic. in Cat. iv. 1.

[2] Num quiſquam tibi, [Conſuli] in Curiam venienti aſſurrexit. In Piſ. 12.

[3] Vid. Paul. Manut. de Senatu Rom. c. ix.

But ſince the manner of their ſitting can be gathered onely from conjecture, I have been apt rather to think, that the Conſular Senators, who, in all ages of the Republic, were the leaders and firſt

on

on conjecture; since none of the ancients have left us any account of their manner of sitting. This however is certain, that all the private Senators sat on different benches, and in a different order of precedency, according to the dignity of the magistracies, which they had severally borne. First the *Consulars*; then the *Prætorians*, *Ædilitians*, *Tribunitians*, and *Quæstorians*: in which order, and by which titles, they are all enumerated by *Cicero* [1]: and as this was their order in sitting, so it was the same also, in delivering their opinions, when it came to their turn.

speakers in the Senate, used to sit next in order to the Consuls: and after them the *Prætors*, and all who were of *Prætorian* dignity, or had been *Prætors*: then the *Ædiles*, the *Tribuns*, and the *Quæstors*, on distinct benches; and on the same bench with each, all who had borne the same offices: but the Curule magistrates, as the *Prætors* and *Ædiles*, were perhaps distinguished at the head of their several benches, by seats somewhat raised or separated at least from the rest in the form of our Settees, or of that *Longa Cathedra*, which *Juvenal* mentions, to denote their Curule dignity. Sat. ix. 5.

These Senatorian benches were long, so as to hold a great number on each: whence *Pompey* used to call the determinations of the Senate, *the judgement of the long bench*, [Cic. Ep. Fam. iii. 9.] by way of distinction from the shorter benches of the courts of judicature. Some of these benches, however, appear to have been very short, or not unlike to our stools; on which each of the ten Tribuns perhaps used to sit single: for the Emperor *Claudius*, as *Suetonius* writes, when *he had any great affair to propose to the Senate, used to sit upon a Tribunitian bench, placed between the Curule chairs of the two Consuls.* Suet. Claud. 23.

[1] Cic. Phil. xiii. 13, 14.

But

But beſides theſe ſeveral orders, of which the Senate was compoſed, there was one member of it diſtinguiſhed always from the reſt, by the title of *Prince of the Senate:* which diſtinction had been kept up from the very beginning of the Republic; to preſerve the ſhadow of that original form, eſtabliſhed by their founder, *Romulus*; by which he reſerved to himſelf the nomination of the firſt or principal Senator, who, in the abſence of the King, was to preſide in that aſſembly. This title was given of courſe to that perſon, whoſe name was *called over the firſt* in the roll of the Senate, whenever it was renewed by the Cenſors. He was always one of Conſular and Cenſorian dignity; and generally one of the moſt eminent for probity and wiſdom: and the title itſelf was ſo highly reſpected, that he who bore it, was conſtantly called by it, preferably to that of any other dignity, with which he might happen to be inveſted [1]: yet

[1] P. Lentulum, Principem Senatus. [Cic. Phil. viii. 4.] Cum armatus M. Æmilius, Princeps Senatus in Comitio ſtetiſſet. Pr. Rabir. 7.

After the inſtitution of the Cenſors, it became a cuſtom to confer this title of *Prince of the Senate*, on the oldeſt Senator then living, of Cenſorian dignity: but in the ſecond Punic war, when one of the Cenſors inſiſted, that this rule, delivered to them by their anceſtors, ought to be obſerved, by which *T. Manlius Torquatus* was to be called over the firſt of the Senate; the other Cenſor declared, that, ſince the Gods had given to him the particular lot of calling over the Senate, he would follow his own will in it, and call *Q. Fabius Maximus* the firſt; who by the judgement of *Hannibal* himſelf, was allowed to be the *Prince of the Roman people*. Liv. xxvii. 11.

there

there were no peculiar rights annexed to this title, nor any other advantage, except an acceſſion of authority, from the notion, which it would naturally imprint, of a ſuperior merit in thoſe, who bore it.

The Senate being aſſembled, the Conſuls, or the magiſtrate, by whoſe authority they were ſummoned, having firſt taken the auſpices, and performed the uſual office of religion, by ſacrifice and prayer, uſed to open to them the reaſons of their being called together, and propoſe the ſubject of that day's deliberation: in which all things divine, or relating to the worſhip of the Gods, were diſpatched preferably to any other buſineſs [1]. When the Conſul had moved any point, with intent to have it debated and carried into a decree, and had ſpoken upon it himſelf, as long as he thought proper, he proceeded to aſk the opinions of the other Senators ſeverally by name, and in their proper order; beginning always with the Conſulars, and going on to the Prætorians, &c. It was the practice originally, to *aſk the Prince of the Senate the firſt:* but that was ſoon laid aſide, and the compliment tranſferred to any other ancient Conſular, diſtinguiſhed by his integrity and ſuperior abilities: till in the later ages of the Republic, it became an eſtabliſhed cuſtom, to pay that reſpect to rela-

[1] Docet deinde, (Varro) immolare hoſtiam prius, auſpicarique debere, qui Senatum habiturus eſſet: de rebus divinis prius quam humanis ad Senatum referendum eſſe. A. Gell. xiv. 7.

tions, or particular friends, or to thoſe, who were likely to give an opinion the moſt favorable to their own views and ſentiments on the quæſtion propoſed [1]. But whatever order the Conſuls obſerved, in aſking opinions, on the firſt of *January*, when they entered into their office, they generally purſued the ſame through the reſt of the year. *J. Cæſar* indeed broke through this rule: for though he had aſked *Craſſus* the firſt, from the beginning of his Conſulſhip, yet, upon the marriage of his daughter with *Pompey*, he gave that priority to his Son-in-law; for which however he made an apology to the Senate [2].

This honor, of being aſked in an extraordinary manner, and preferably to all others of the ſame rank, though of ſuperior age or nobility, ſeems to have been ſeldom carried farther, than to four or five diſtinguiſhed perſons of Conſular dignity [3]; and the reſt were afterwards aſked

[1] Singulos autem debere conſuli gradatim, incipique a Conſulari gradu, ex quo gradu ſemper quidem antea primum rogari ſolitum, qui Princeps in Senatum lectus eſſet: tum novum morem inſtitutum refert, per ambitionem gratiamque, ut is primus rogaretur, quem rogare vellet, qui haberet Senatum, dum is tamen ex gradu conſulari eſſet. ibid.

[2] Ac poſt novam affinitatem, *Pompeium* primum rogare ſententiam cœpit (J. Cæſar) quum *Craſſum* ſoleret: eſſetque conſuetudo, ut quem ordinem interrogandi ſententias Conſul Kal. Jan. inſtituiſſet, eum toto anno conſervaret. Suet. J. Cæſ. 21.

Ejus rei rationem reddidiſſe eum Senatui, Tiro Tullius, M. Ciceronis libertus, refert A. Gell. iv. 10.

[3] Scito igitur, primum me non eſſe rogatum ſenten-

according

according to their ſeniority: and this method, as I have ſaid, was obſerved generally through the year, till the election of the future Conſuls, which was commonly held about the month of *Auguſt*: from which time, it was the conſtant cuſtom, to aſk the opinions of *the Conſuls elect* preferably to all others, till they entered into their office, on the firſt of *January* following [1].

As the Senators then were perſonally called upon to deliver their opinions, according to their rank, ſo none were allowed to ſpeak, till it came to their turn, excepting the magiſtrates; who ſeem to have had a right of ſpeaking on all

tiam: præpoſitumque eſſe nobis Pacificatorem Allobrogum: idque admurmurante Senatu, neque, me invito, eſſe factum—& ille ſecundus in dicendo locus habet auctoritatem pœne principis: tertius eſt Catulus: quartus (ſi etiam hoc quæris) Hortenſius. Cic. ad Att. i. 13.

C. Cæſar in Conſulatu—quatuor ſolos extra ordinem ſententiam rogaſſe dicitur. A. Gell iv. 10.

[1] Tum D. Junius Silanus, primus ſententiam rogatus, quod eo tempore Conſul deſignatus erat. [Salluſt. Bell. Cat. 50.] Ego tamen ſic nihil expecto, quomodo Paullum, Conſulem deſignatum, primum ſententiam dicentem. Cic. Ep. Fam. viii. 4. Vid. it. Phil. v. 13.

As the Conſuls elect had this preference given in ſpeaking before all the Conſulars, ſo the Prætors and Tribuns elect ſeem to have had the ſame, before the reſt of their particular orders: for in that famous debate upon the manner of puniſhing *Catiline's* accomplices, we find that *J. Cæſar*, then *Prætor elect*, was aſked his opinion by the Conſul, at the head of the Prætorians; and *M. Cato*, then *Tribun elect*, was aſked likewiſe in his turn, at the head of the Tribunitians. Vid. Salluſt. Bell. Cat. 51, 52. Cic. Ep. ad Att. l. xii. 21. it. Pigh. Annal.

occaſions, whenever they thought fit; and for that reaſon perhaps were not particularly aſked or called upon by the Conſuls. *Cicero* indeed, on a certain occaſion, ſays, *that he was aſked the firſt of all the private Senators* [1]; which implies, that ſome of the magiſtrates had been aſked before him: but they were then aſked by a *Tribun of the people*, by whom that meeting of the Senate had been ſummoned, and who would naturally give that preference to the ſuperior magiſtrates, who then happened to be preſent: but I have never obſerved, that a Conſul aſked any one the firſt, but a Conſular Senator, or the Conſuls elect.

Though every Senator was obliged to declare his opinion, when he was aſked by the Conſul, yet he was not confined to the ſingle point then under debate, but might launch out into any other ſubject whatſoever, and harangue upon it as long as he pleaſed [2]. And though he might deliver his opinion with all freedom, when it came to his turn, yet the Senate could not take any notice of it, nor enter into any debate upon it, unleſs it were eſpouſed and propoſed to them in form by ſome of the ma-

[1] Racilius ſurrexit, & de judiciis referre cœpit. Marcellinum quidem primum rogavit—poſtea de privatis me primum ſententiam rogavit—Cic. ad Fratr. ii. 1.

[2] Licere Patribus, quoties jus ſententiæ dicendæ accepiſſent, quæ vellent expromere, relationemque in ea poſtulare. Tacit. Ann. xiii. 49.

Erat jus Senatori, ut ſententiam rogatus, diceret ante quicquid vellet aliæ rei, & quoad vellet. A. Gell. iv. 10.

giſtrates,

giſtrates, who had the ſole privilege of referring any quæſtion to a vote, or of dividing the houſe upon it [1]. Whenever any one ſpoke, he roſe up from his ſeat, and ſtood while he was ſpeaking; but when he aſſented onely to another's opinion, he continued ſitting [2].

Several different motions might be made, and different quæſtions be referred to the Senate by different magiſtrates, in the ſame meeting [3]: and if any buſineſs of importance was expected or deſired, which the Conſuls had omitted to propoſe, or were unwilling to bring into debate, it was uſual for the Senate, by a ſort of general clamour, to call upon them to move it; and upon their refuſal, the other magiſtrates had a right to propound in, even againſt their will [4].

[1] Huic aſſentiuntur reliqui Conſulares, præter Servilium—& Volcatium, qui, Lupo referente, Pompeio decernit. Cic. Ep. Fam. i. 1, 2.

From theſe two epiſtles it appears, that *Volcatius's* opinion in favor of *Pompey* was not referred to the Senate by *Volcatius* himſelf, who was then a private Senator, but by *Lupus*, then Tribun of the people, in order to divide the houſe upon it. For a private Senator, as *Tacitus* intimates above, could only, *relationem poſtulare*, that is, demand to have it referred to a vote by ſome of the magiſtrates.

[2] Racilius ſurrexit, &c. [Cic. ad Fra. ii. 1.] Poſtquam Cato aſſedit. [Salluſt. Bell. Cat. 53. Cic. ad Att. i. 14.] Quotieſcunque aliquid eſt actum, ſedens, iis aſſenſi, qui mihi leniſſime ſentire viſi ſunt. Cic. Ep. Fam. v. 2.

[3] De Appia Via & de Moneta Conſul; de Lupercis Tribunus pleb. refert. Cic. Phil. vii. 1.

[4] Conclamatum deinde ex omni parte Curiæ eſt, uti referret P. Ælius Prætor. [Liv. xxx. 21.] Flagitare Senatus inſtitit Cornutum, ut referret ſtatim de tuis litteris. Ille, ſe cónſiderare velle, cum

If any opinion, propoſed to them, was thought too general, and to include ſeveral diſtinct articles, ſome of which might be approved, and others rejected, it was uſual to require, that it might be divided, and ſometimes by a general voice of the aſſembly, calling out, *divide*, *divide* [1]. Or if in the debate, ſeveral different opinions had been offered, and each ſupported by a number of Senators, the Conſul, in the cloſe of it, uſed to recite them all, that the Senate might paſs a vote ſeparately upon each: but in this, he gave what preference he thought fit, to that opinion which he moſt favored, and ſometimes even ſuppreſſed ſuch of them, as he wholly diſapproved [2]. In Caſes however, where there appeared to be no difficulty or oppoſition, decrees were ſometimes made, without any opinion being aſked or delivered upon them [3].

ei magnum convicium fieret a cuncto Senatu, quinque Tribuni pl. retulerunt. [Cic. Ep. Fam. x. 16.] De quo legando ſpero Conſules ad Senatum relaturos; qui ſi dubitabunt, aut gravabuntur, ego me profiteor relaturum. Cic. pr. Leg. Man. 19.

[1] Quod fieri in Senatu ſolet, faciendum ego in Philoſophia etiam exiſtimo; cum cenſeat aliquis quod ex parte mihi placeat, jubeo dividere ſententiam. [Senec. Epiſt. 21.] Poſtulatum eſt, ut Bibuli ſententia divideretur. Cic. Ep. Fam. i. 2. Vid. Aſcon. in Orat. pr. Mil. 6.

[2] Lentulus Conſul ſententiam Calidii pronuntiaturum ſe omnino negavit. Cæſ. Comm. Bell. Civ. 429.

[3] Præclara tum oratio M. Antonii – de qua ne ſententias quidem diximus. Scriptum S. C. quod fieri vellet, attulit. Cic. Phil. i. 1.

When

When any quæſtion was put to the vote, it was determined always by a diviſion or ſeparation of the oppoſite parties, to different parts of the Senate-houſe; the Conſul or preſiding magiſtrate having firſt given order for it in this form; *let thoſe, who are of ſuch an opinion, paſs over to that ſide; thoſe, who think differently, to this* [1]. What the majority of them approved, was drawn up into a decree, which was generally conceived in words prepared and dictated by the firſt mover of the quæſtion, or the principal ſpeaker in favor of it; who, after he had ſpoken upon it, what he thought ſufficient to recommend it to the Senate, uſed to conclude his ſpeech, by ſumming up his opinion in the form of ſuch a decree, as he deſired to obtain in conſequence of it [2]: which decree, when confirmed by the Senate, was always ſigned and

[1] Qui hoc cenſetis, illuc tranſite; qui alia omnia, in hanc partem. [Feſt. in Voc. Qui.] de tribus Legatis, frequentes ierunt in alia omnia. Cic. Ep. Fam. i. 2.

[2] Thus *Cicero's Philippic* Orations, which were ſpoken at different times in the Senate, on points of the greateſt importance, generally conclude with the form of ſuch a decree, as he was recommending on each particular occaſion; Quæ cum ita ſint; or Quas ob res ita cenſeo. Vid. Philip. iii. v. viii. ix. x. xiii. xiv.

Cicero ſpeaking of the decree, by which the accomplices of *Catiline* were condemned to ſuffer death, gives this reaſon why it was drawn in the name and words of *Cato*, though *Silanus* the Conſul elect, had delivered the ſame opinion before him; becauſe *Cato* had ſpoken upon it more explicitely, fully, and ſtrongly than *Silanus*. Ep. ad Att. xii. 21.

atteſted by a number of Senators, who choſe to attend through the whole proceſs of it, for the ſake of adding their names to it, as a teſtimony of their particular approbation of the thing, as well as of reſpect to the perſon, by whoſe authority, or in whoſe favor it was drawn [1].

When the Senate appeared to be diſpoſed and ready to paſs a decree, it was in the power of any one of the ten Tribuns of the people, *to intercede*, as it was called; that is, to quaſh it at once, by his bare negative, without aſſigning any reaſon [2]. The general law of theſe *interceſſions* was, that any magiſtrate might inhibit the acts of his equal, or inferior [3]: but the Tribuns had the ſole prerogative, of controlling the acts of every other magiſtrate, yet could not be controlled themſelves by any [4]. But

[1] Hæc enim Senatus conſulta non ignoro ab amiciſſimis ejus, cujus de honore agitur, ſcribi ſolere. [Cic. Ep. Fam. xv. 6. it. viii. 8.] Theſe ſubſcriptions were called, S. C. auctoritates. ibid.

[2] Veto was the ſolemn word uſed by the Tribuns, when they inhibited any decree of the Senate, or law propoſed to the people. Faxo, ne juvet vox iſta, Veto, qua nunc concinentes Collegas noſtros tam læti auditis. Liv. vi. 37.

[3] Poſtea ſcripſit (Varro) de interceſſionibus, dixitque intercedendi, ne Senatus conſultum fieret, jus fuiſſe iis ſolis, qui eadem poteſtate, qua ii, qui S. C. facere vellent, majoreve eſſent. [A. Gell. xiv. 7.] Aſt ni poteſtas par majorve prohibuiſſet, Senatus conſulta perſcripta ſervanto. Cic. de Leg. iii. 3.

[4] Οὐθὲν γὰρ τῶν πρατ-
μένων ὑπὸ τῆς ἀρχῆς ἐκείνης
ἐπισχεῖν ἢ κωλῦσαι τῶν ἄλλων
τινὶ ἔξεστιν, ἀλλ' ἑτέρᾳ δημάρχῳ
τοῦτό ἐστι τὸ κράτος. Dionyſ. x. 31.

in

in all caſes, where the determinations of the Senate were overruled by the negative of a Tribun, of which there are numberleſs inſtances, if the Senate was unanimous, or generally inclined to the decree ſo inhibited, they uſually paſſed a vote to the ſame purpoſe, and in the ſame words, which, inſtead of a decree, was called *an authority of the Senate*, and was entered into their journals [1], yet had no other force, than to teſtify the judgement of the Senate on that particular quæſtion, and to throw the odium of obſtructing an uſeful act, on the Tribun, who had hindered it. And in order to deter any magiſtrate, from acting ſo factiouſly and arbitrarily in affairs of importance, they often made it part of the decree, which they were going to enact, that if any one attempted to obſtruct it, *he ſhould be deemed to act againſt the intereſt of the Republic* [2]. Yet this clauſe had ſeldom any effect on the hardy Tribuns, who uſed to apply their negative in defiance of it, as freely, as on any other more indifferent occaſion.

[1] De his rebus Senatus auctoritas graviſſima interceſſit: cui cum *Cato* & *Caninius* interceſſiſſent, tamen eſt perſcripta. [Cic. Ep. Fam. i. 2.] Servilius Ahala—ſi quis intercedat Senatus conſulto, ſe auctoritate fere contentum, dixit. Liv. iv. 57. Vid. Dio. iv. 550.

[2] Senatum exiſtimare, neminem eorum, qui poteſtatem habent intercedendi—moram afferre oportere, quominus S. C. fieri poſſit. qui impedierit—eum Senatum exiſtimare, contra Rempub. feciſſe. Si quis huic S. C^to^ interceſſerit, Senatui placere, auctoritatem perſcribi. Cic. Ep. Fam. viii. 8. ad Att. iv. 2.

But

But the private Senators alſo, and eſpecially the factious and leaders of parties, had ſeveral arts of obſtructing or poſtponing a decree, by many pretexts and impediments, which they could throw in its way. Sometimes they alledged ſcruples of religion; *that the Auſpices were not favorable, or not rightly taken*; which, if confirmed by the Augurs, put a ſtop to the buſineſs for that day [1]. At other times, they urged ſome pretended admonition from *the Sibylline books*, which were then to be conſulted and interpreted to a ſenſe, that ſerved their purpoſe [2]. But the moſt common method was, *to waſte the day*, by ſpeaking for two or three hours ſucceſſively, ſo as to leave no time to finiſh the affair in that meeting; of which we find many examples in the old writers: yet when ſome of the more turbulent magiſtrates were groſsly abuſing this right, againſt the ge-

[1] Recitatis litteris, oblata religio *Cornuto* eſt. Pullariorum admonitu, non ſatis diligenter eum auſpiciis operam dediſſe; idque a noſtro Collegio eſſe comprobatum. itaque res dilata eſt in poſterum. Fp. Fam. x. 12.

[2] Thus in a debate on the ſubject of replacing King *Ptolemy* on the throne of *Ægypt*; the Tribun *Cato*, who oppoſed it, produced ſome verſes from the *Sibylline* books, by which they were warned, never to reſtore any King of *Ægypt* with an army; upon which the Senate laid hold on that pretext, and voted it dangerous to the Republic, to ſend the King home with an army. [Dio. 39. p. 98. Cic. ad Fratr. ii. 2.] concerning which *Cicero*, in his account of it to *Lentulus*, ſays, Senatus religionis calumniam non religione, ſed malevolentia, & illius regiæ largitionis invidia comprobat. Cic. Ep. Fam. i. 1.

neral

neral inclination of the aſſembly, the Senators were ſometimes ſo impatient, as to ſilence them, as it were, by force, and to diſturb them in ſuch a manner, by their clamor and hiſſing, as to oblige them to deſiſt [1].

It ſeems probable, that a certain number of Senators was required by law, as neceſſary to legitimate any act, and give force to a decree. For it was objected ſometimes to the Conſuls, that they had procured decrees *ſurreptitiouſly, and by ſtealth as it were, from an houſe not ſufficiently full* [2]: and we find buſineſs alſo poſtponed by the Senate, for the want of *a competent number* [3]: ſo that when any Senator, in a thin houſe, had a mind to put a ſtop to their proceedings, he uſed to call out to the Conſul, *to number the Senate* [4]. Yet there is no certain

[1] C. Cæſar Conſul M. Catonem ſententiam rogavit. Cato rem, quam conſulebatur, quoniam non e Repub. videbatur, perfici nolebat. ejus rei gratia ducendæ, longa oratione utebatur, eximebatque dicendo diem. A. Gell. iv. 10.

Cum ad Clodium ventum eſt, cupiit diem conſumere: neque ei finis eſt factus: ſed tamen cum horas tres fere dixiſſet, odio & ſtrepitu Senatus, coactus eſt aliquando perorare. Cic. ad Att. iv. 2.

[2] Neque his contentus Conſul fuit. Sed poſtea per infrequentiam furtim Senatus conſulto adjecit, &c. [Liv. xxxviii. 44.] Qui per infrequentiam furtim Senatus conſultum ad ærarium detulit. Liv. xxxix. 4.

[3] In Kalendas rejecta re, ne frequentiam quidem efficere potuerunt. Cic. Ep. Fam. viii. 3. it. viii. 5.

[4] *Numera Senatum*, ait quivis Senator Conſuli, cum impedimento vult eſſe, quo minus faciat S. C. Feſt. in Voc. Numera.

Renuntiatum nobis erat, Hirrum diutius dicturum, prendimus eum, non modo

number

number ſpecified by any of the old writers, except in one or two particular caſes. For example; when the *Bacchanalian* rites were prohibited in *Rome*, it was decreed, that no one ſhould be permitted to uſe them, without a ſpecial licence granted for that purpoſe by the Senate, when *an hundred members* were preſent [1]: and this perhaps was the proper number required at that time in all caſes, when the Senate conſiſted of *three hundred*. But about a century after, when its number was increaſed to *five hundred*, *C. Cornelius*, a Tribun of the people, procured a law, that the Senate ſhould not have a power of *abſolving any one from the obligation of the laws*, unleſs *two hundred* Senators were preſent [2].

The decrees of the Senate were uſually publiſhed, and openly read to the people, ſoon after they were paſſed; and an authentic copy of them was always depoſited in the public treaſury of the city, or otherwiſe they were not conſidered as legal or valid [3]. When the buſineſs of

non fecit, ſed cum de hoſtibus ageretur, & poſſet rem impedire, ſi, *ut numeraretur*, poſtularet, tacuit. Cic. Ep. Fam. viii. 11.

[1] Quum in Senatu centum non minus adeſſent. Liv. xxxix. 18.

[2] Diximus—Cornelium primo legem promulgaſſe, nequis per Senatum lege ſolveretur: deinde tuliſſe, ut tum denique de ea re S. C. fieret, cum adeſſent in Senatu non minus cc.

Aſcon. in orat pr. Cornel. 1.

[3] Senatus conſulta nunquam facta ad ærarium (ab Antonio) referebantur. [Cic. Phil. v. 4.] Igitur factum S. C. ne decreta Patrum ante diem decimum ad ærarium deferrentur. Tac. Ann. iii. 51.

the

the day was finiſhed, the Conſul, or other magiſtrate, by whom the Senate had been called together, uſed to diſmiſs them with theſe words, *Fathers, I have no farther occaſion to detain you*; or, *no body detains you* [1].

SECT. VI.

Of the force or effect of the decrees of the Senate.

AS to the force of theſe decrees, it is difficult to define preciſely, what it was. It is certain, that they were not conſidered as laws, but ſeem to have been deſigned originally, as the ground work or preparatory ſtep to a law, with a ſort of proviſional force, till a law of the ſame tenor ſhould be enacted in form by the people; for in all ages of the Republic no law was ever made, but by the general ſuffrage of the people. The decrees of the Senate related chiefly to the executive part of the government; to the aſſignment of provinces to their magiſtrates; and of ſtipends to their generals, with the number of their ſoldiers; and to all occaſional and incidental matters, that were not provided for by the laws, and required ſome preſent regulation: ſo that for the moſt part, they were but of a temporary nature, nor of

[1] Neque unquam receſſit de Curia, niſi Conſul dixiſſet, *nihil vos moramur, Patres conſcripti.* [Capitolin. de M. Aurel.] Tum ille, ſe Senatum negavit tenere. Cic. ad Fratr. ii. 1.

force

force any longer, than the particular occaſions ſubſiſted, to which they had been applied.

But though they were not, ſtrictly ſpeaking, laws; yet they were underſtood always to have a binding force; and were generally obeyed and ſubmitted to by all orders, till they were annulled by ſome other decree, or overruled by ſome law. Yet this deference to them, as I have ſignified above, was owing rather to cuſtom, and a general reverence of the city for the authority of that ſupreme council, than to any real obligation derived from the conſtitution of the government. For in the early ages, upon a diſpute concerning a particular decree, we find the Conſuls, who were charged with the execution of it, refuſing to enforce it, becauſe it was made by their predeceſſors, alledging, *that the decrees of the Senate continued onely in force for one year*; or during the magiſtracy of thoſe, by whom they were made [1]. And *Cicero* likewiſe, when it ſerved the cauſe of a client, whom he was defending, to treat a decree of the Senate with ſlight, declared it to be of no effect, *becauſe it had never been offered to the people, to be enacted into a law* [2]. In both which caſes, though the Conſuls and *Cicero* ſaid nothing, but what was agreeable to the nature of the thing, yet they ſaid it perhaps more ſtrongly and pe-

[1] Καὶ ἅμα δὲδὲ εἶναι νόμως καιρὸν ἐνιαύσιον ἔχοντα ἰσχύν. εἰς ἀεὶ κυρίως, ἃ ψηφίζεται τὸ συνέδριον, ἀλλὰ πολλοῦ μάλα Dionyſ. ix. 37.

[2] Cic. pr. Cluentio, 49.

remptorily, than they would otherwiſe have done, for the ſake of a private intereſt; the Conſuls, to ſave themſelves the trouble of executing a diſagreeable act; and *Cicero*, to do a preſent ſervice to a client, who was in great danger and diſtreſs. But on all occaſions indeed, the principal magiſtrates, both at home and abroad, ſeem to have paid more or leſs reſpect to the decrees of the Senate, as it happened to ſerve their particular intereſt, or inclination, or the party, which they eſpouſed in the ſtate [1]. But in the laſt age of the Republic, when the uſurped powers of ſome of its chiefs had placed them above the controll of every cuſtom or law, that obſtructed their ambitious views, we find the decrees of the Senate treated by them, and by all their creatures, with the utmoſt contempt [2]; whilſt they had a bribed and corrupted populace at their command, ready to grant them every thing, that they deſired, till they had utterly oppreſſed the public liberty.

[1] *Cicero* recommending the affairs of *Cærellia* to *P. Servilius*, when he was governor of *Aſia*, puts him in mind, that there was a decree of the Senate ſubſiſting, which was favorable to her intereſt, and that he knew *Servilius* to be one of thoſe, who paid great regard to the authority of the Senate. Ep. Fam. xiii. 72.

[2] Habet orationem talem Conſul, (Gabinius) qualem nunquam Catilina victor habuiſſet; errare homines, ſi etiam tum Senatum aliquid in Repub. poſſe, arbitrarentur. Cic. pr. Sext. 12.

SECT.

SECT. VII.

Of the peculiar dignity, honors, and ornaments of a Roman Senator.

IT is natural to imagine, that the members of this ſupreme council, which held the reins of ſo mighty an empire, and regulated all its tranſactions with foreign ſtates, and which, in *its floriſhing condition*, as *Cicero* ſays, *preſided over the whole earth* [1], muſt have been conſidered every where as perſons of the firſt eminence, which the world was then acquainted with. And we find accordingly, that many of them had even *Kings*, *cities*, *and whole nations*, under their particular patronage [2]. *Cicero* reciting the advantages of a Senator, above the other orders of the city, ſays, that he had *authority and ſplendor at home*; *fame and intereſt in countries abroad* [3]: and on another occaſion, "what city is there, ſays he, not onely in our "provinces, but in the remoteſt parts of the

[1] Qui quondam florens Orbi terrarum præſidebat. Phil. ii. 7.

[2] In ejus magiſtratus tutela Reges atque exteræ gentes ſemper fuerunt. [pr. Sext. 30.] Duæ maximæ Clientelæ tuæ, [Catonis] Cyprus Inſula, & Cappadociæ regnum, tecum de me loquentur: puto etiam Regem Deiotarum, qui tibi uni eſt maxime neceſſarius. [Cic. Ep. Fam. xv. 4.] Adſunt Segeſtani, Clientes tui (P. Scipionis.) [In Verr. iv. 36.] Marcelli, Siculorum Patroni. Ib. 41.

[3] Auctoritas, domi ſplendor; apud exteras nationes, nomen & gratia. pr. Cluen. 56.

"earth,

" earth, ever ſo powerful and free, or ever ſo " rude and barbarous; or what King is there, " who is not glad to invite and entertain a " Senator of the Roman people in his houſe[1]?"

It was from this order alone, that all embaſſadors were choſen and ſent to foreign ſtates: and when they had occaſion to travel abroad, even on their private affairs, they uſually obtained from the Senate the privilege of a *free legation*, as it was called; which gave them a right to be treated every where with the honors of an embaſſador, and to be furniſhed on the road with a certain proportion of proviſions and neceſſaries for themſelves and their attendants [2]: and as long as they reſided in the Roman provinces, the governors uſed to aſſign them a number of *lictors*, or mace-bearers, to march before them in ſtate, as before the magiſtrates in *Rome* [3]. And if they had any law-ſuit or

[1] Ecquæ civitas eſt, non in provinciis noſtris, verùm in ultimis nationibus, aut tam potens, aut tam libera, aut etiam tam immanis ac barbara: Rex denique ecquis eſt, qui Senatorem populi Romani tecto ac domo non invitet? Cic. in Verr. iv. 11.

[2] Placitum eſt mihi, ut poſtularem legationem liberam mihi reliquiſque noſtris, ut aliqua cauſa proficiſcendi honeſta quæreretur. Cic. Ep. Fam. xi. 1. it. vid. Att. xv. 11. C. Anicius—negotiorum ſuorum cauſa; legatus eſt in Africam, legatione libera. Cic. Ep. Fam. xii. 21. Suet. in Tiber. 31.

[3] Idque a te peto, quod ipſe in provincia facere ſum ſolitus, non rogatus, ut omnibus Senatoribus Lictores darem: quod idem acceperam & cognoveram a ſummis viris factitatum. Cic. Ep. Fam. xii. 21.

cauſe of property depending in thoſe provinces, they ſeem to have had a right to require it to be remitted to *Rome* [1].

At home likewiſe they were diſtinguiſhed by peculiar honors and privileges: for at the public ſhews and plays, they had particular ſeats ſet apart and appropriated to them in the moſt commodious part of the theatre [2]: and on all ſolemn feſtivals, when ſacrifices were offered to *Jupiter* by the magiſtrates, they had the ſole right of *feaſting publickly in the capitol*, in habits of ceremony, or ſuch as were proper to the offices, which they had born in the city [3].

[1] Illud præterea—feceris mihi pergratum----ſi eos, quum cum Senatore res eſt, Romam rejeceris. Ib. xiii. 26.

[2] Lentulus, Popillium, quod erat libertini filius in Senatum non legit, locum quidem Senatorium ludis, & cetera ornamenta reliquit. Cic. pr. Clu. 47. vid. it. Plutar. in Flaminin. p. 380. A.

But in the ſhews and games of the *Circus* they uſed to ſit promiſcuouſly with the other citizens, till the emperor *Claudius* aſſigned them peculiar ſeats there alſo. Suet. in Claud. 21.

The place where the Senators ſat in the theatres was called the *Orcheſtra*, which was below all the ſteps or common benches of the theatres, and on a level with that part of the ſtage, on which the Pantomimes performed. Vid. Suet. Aug. 35. & in J. Cæſ. 39.

Æquales illic habitus, ſimileſque videbis
Orcheſtram & populum —
Juv. Sat. iii. 177.

In Orcheſtra autem Senatorum ſunt ſedibus loca deſtinata. Vitruv. l. v c 6.

[3] Quoſdam (Senatores) ad excuſandi ſe verecundiam compulit: ſervavitque etiam excuſantibus inſigne veſtis, & ſpectandi in Orcheſtra, epulandique publice jus. Suet. Aug. 35.] Ea ſimultas quum diu manſiſſet; & ſolemni die

They

They were diſtinguiſhed alſo from all the other citizens by the ornaments of their ordinary dreſs and habit, eſpecially by their *veſt* or *tunic*, and the faſhion of their ſhoes; of which the old writers make frequent mention. The peculiar ornament of their *tunic* was the *latus clavus*, as it was called, being *a broad ſtripe of purple*, ſewed upon the forepart of it, and running down the middle of the breaſt, which was the proper diſtinction between them and the Knights, who wore a much narrower ſtripe of the ſame color, and in the ſame manner [1]. The faſhion alſo of their ſhoes was peculiar and different from that of the reſt of the city. *Cicero* ſpeaking of one *Aſinius*, who in the general confuſion occaſioned by *J. Cæſar's* death, had intruded himſelf into the Senate, ſays, *that ſeeing the Senate houſe open after* Cæſar's *death, he changed his ſhoes, and became a Senator at once* [2]: this difference

Jovi libaretur, atque ob id ſacrificium Senatus in Capitolio epularetur. A. Gell. xii. 8. Dio, lv. 554. C.

[1] Galli braccas depoſuerunt, latum clavum ſumpſerunt. [Suet. J. Cæſ. 80.] Anuli diſtinxere ordinem Equeſtrem a plebe — ſicut tunica ab anulis Senatum — quamquam & hoc ſero, vulgoque purpura latiore tunicæ uſos etiam invenimus Præcones. Plin. Hiſt. xxxiii. 1.

Quid confert purpura major
Optandum? —
Juv. Sat. i. 106.

Nam ut quiſque inſanus nigris medium impediit crus
Pellibus, & latum demiſit pectore clavum.
Hor. S. i. 6. 28.

Paterculus de Mæcenate, Vixit anguſto clavo contentus. l. ii. 88.

[2] Eſt etiam Aſinius quidam Senator voluntarius,

 appeared

appeared in the color, ſhape, and ornament of the ſhoes. The color of them was *black*, while others wore them of any color perhaps, agreeably to their ſeveral fancies. The form of them was ſomewhat like to a ſhort boot, reaching up *to the middle of the leg*, as they are ſometimes ſeen in ancient ſtatues and bas reliefs: and the proper ornament of them was, the figure of an *half moon*, ſewed or faſtened upon the forepart of them near the ancles [1]. *Plutarch*, in his Roman quæſtions, propoſes ſeveral reaſons of this emblematical figure [2]: yet other writers ſay, that it had no relation to the moon, as it's ſhape ſeemed to indicate, but was deſigned to expreſs the letter C, as the numeral mark of *an hundred*, to denote the original number of the Senate, when it was firſt inſtituted by *Romulus* [3].

As to the gown, or upper robe of the Senators, I have not obſerved it to be deſcribed any where, as differing from that of the other citizens; except of ſuch of them onely, as were actual magiſtrates of the city, as the *Conſuls*, *Prætors*, *Ædiles*, *Tribuns*, &c. who, during the year

Iectus ipſe a ſe. apertam Curiam vidit poſt Cæſaris necem: mutavit calceos: pater conſcriptus repente eſt factus. Cic. Phil. xiii. 13.

[1] Adpoſitam nigræ lunæm ſubtexit alutæ.
Juv. vii. 192.
Nigris medium impediit crus Pellibus ——
Hor. ſup.

[2] Quæſt. Roman. 75.

[3] Zonar. xi. Iſidor. xix. 34.

of

of their magiſtracy, always wore the *Prætexta*, or a gown bordered round with a ſtripe of purple [1]: in which habit alſo, as I have ſignified above, all the reſt of the Senate, who had already born thoſe offices, uſed to aſſiſt at the public feſtivals and ſolemnities [2].

[1] Cum vos veſtem mutandam cenſuiſſetis, cunctique mutaſſent, ille (Conſul Gabinius) unguentis oblitus, cum *toga prætexta*, quam omnes Prætores, Ædileſque abjecerant, irriſit ſqualorem meum. Cic. poſt red. in Sen. 5.

Quod Tribuni plebis prætextam quoque geſtare ſolerent, a Cicerone indicatum eſt, qui Quintii Tribuni pl. *purpuram uſque ad talos demiſſam irridet*, [pr. Cluen. 40.] quam quidem purpuram *Quintilianus*, de eodem *Quintio* loquens, *Prætextam* appellat, l. v. 13. p. 275. Ed. Oxon.

[2] Neſcis heri quartum in Circo diem Ludorum Romanorum fuiſſe? te autem ipſum ad populum tuliſſe, ut quintus præterea dies Cæſari tribueretur? cur non ſumus prætextati? Cic. Phil. ii. 43.

Prætorio licet prætexta toga uti, Feſtis aut Solennibus diebus. Senec. Controv. li. 8.

APPENDIX.

TO this description of the Roman Senate, I have subjoined here, by way of Appendix, an extract or two from *Cicero's* letters and orations, which give a distinct account of some particular debates, and the entire transactions of several different days; and will illustrate and exemplify, what has been said above, concerning the method of their proceedings.

M. CICERO *to his brother* QUINTUS.

Lib. ii. 1.

"THE Senate was fuller, than I thought "it possible to have been, in the month "of *December*, when the holidays were coming "on [1]. There were present, of us Consulars, "besides the two Consuls elect, *P. Servilius*, "*M. Lucullus*, *Lepidus*, *Volcatius*, *Glabrio*. All "the Prætors. We were really full: two "hundred at least in all. *Lupus* had raised an "expectation. He spoke indeed exceedingly "well on the affair of the *Campanian lands* [2].

[1] These holidays were the *Saturnalia*, sacred to Saturn, which lasted as some say, five, or as others, seven days. But the two last were an addition to the ancient festival, and called *Sagillaria*.

Et jam Saturni quinque fuere dies.
Mart. iv. 89.
Saturni septem venerat ante dies.
Id. xiv. 7.

[2] *P. Rutilius Lupus* was

was

" was heard with great ſilence. You know the " nature of the ſubject. He ran over all my " acts, without omitting one. There were " ſome ſtings on *C. Cæſar*, abuſes on *Gellius*, " expoſtulations with *Pompey*, in his abſence. " He did not conclude till it was late; and then " declared, that he would aſk our opinions, " leſt he might expoſe us to the inconvenience " of any man's reſentment [1]: that from the " reproaches, with which that affair had been " treated before, and from the ſilence, with " which he was now heard, he underſtood, what " was the ſenſe of the Senate; and ſo was going " to diſmiſs us. Upon which *Marcellinus* ſaid, " you muſt not judge from our ſilence, " *Lupus*, what it is that we approve or diſap- " prove on this occaſion: for as to myſelf (and " the reſt, I believe, are of the ſame mind) I " am ſilent upon it for this reaſon, becauſe I do

one of the new Tribuns of the people, juſt entered into his office on the 10th of *December*, A. U. 696, by whoſe authority this meeting of the Senate appears to have been ſummoned, in order to reconſider the affair of the *Campanian lands*, and to repeal the law, which *J. Cæſar* had procured from the people about three years before, for a diviſion of thoſe lands, to the poorer citizens; to the great diſguſt of the Senate, and all the honeſt part of the city. See Life of *Cic.* vol. i. p. 294, 428.

[1] The repeal of this law would have been greatly reſented by *J. Cæſar*, who was now commanding in *Gaul*: and more immediately by *Pompey*, who was now united with him in the league of the Triumvirate, and engaged to ſupport all his intereſts in *Rome*.

" not think it proper, that the caſe of the *Cam-*
" *panian lands* ſhould be debated in *Pompey's*
" abſence [1]. Then *Lupus* ſaid, that he de-
" tained the Senate no longer. But *Racilius*
" roſe up, and began to move the buſineſs of
" the trials [2]: and aſked *Marcellinus* the
" firſt [3]. Who, after heavy complaints on
" the burnings, murthers, ſtonings, commit-
" ted by *Clodius*, delivered his opinion; that he
" himſelf, with the aſſiſtance of the Prætor
" of the city, ſhould make an allotment of
" judges, and when that allotment was made,
" that then the aſſemblies of the people ſhould be
" held for the elections. That if any one ſhould
" obſtruct the trials, he ſhould be deemed to

[1] *Pompey* was now in *Sardinia*, providing ſtores of corn for the uſe of the city, where there was a great ſcarcity: which commiſſion had been decreed to him by the Senate at *Cicero's* motion. See life of *Cic.* vol. i. p. 407.

[2] *T. Annius Milo*, one of the late Tribuns, whoſe office was juſt expired, had impeached *Clodius* in form, for the violences committed by him in the city, but *Clodius*, by faction and the help of the Conſul *Metellus*, found means to retard and evade any trial; and to ſkreen himſelf from that danger, was ſuing for the Ædileſhip of the next year. *Milo* therefore, on his ſide, contrived by his Tribunitian power, to obſtruct any election, till *Clodius* ſhould be brought to a trial. This was the preſent ſtate of the affair, and the point in debate was, whether the trials or the elections ſhould be held the firſt.

[3] *Cn. Cornelius Lentulus Marcellinus* was now Conſul elect, and *L. Marcius Philippus*, mentioned below, was his Collegue, who were to enter into office on the firſt of *January*.

" act

" act againſt the intereſt of the Republic. This " opinion was greatly applauded: *C. Cato* ſpoke " againſt it; and *Caſſius* alſo, but with a great " clamor of the Senate, when he declared him- " ſelf for the aſſemblies, preferably to the trials. " *Philippus* aſſented to *Lentulus's* opinion. *Ra-* " *cilius* afterwards aſked me the firſt of the pri- " vate Senators. I ſpoke long, on all the mad- " neſs and violences of *P. Clodius*, and accuſed " him, as if he had been a criminal at the bar, " with many and favorable murmurings of the " whole Senate. *Vetus Antiſtius* ſaid much in " praiſe of my ſpeech, nor indeed without ſome " eloquence [1]. He eſpouſed the cauſe of the " trials, and declared, that he would have them " brought on the firſt. The houſe was going " into that opinion: when *Clodius* being aſk- " ed [2], began to waſte the day in ſpeaking. " He raved, at his being ſo abuſively and " roughly treated by *Racilius*, when, on a ſud- " den, his mercenaries without doors raiſed an " extraordinary clamor, from the Greek ſtation " and the ſteps, incited, I ſuppoſe, againſt Q. " *Sextilius* and the friends of *Milo*. Upon this " alarm, we broke up inſtantly in great diſguſt. " You have the acts of one day: the reſt, I

[1] *Racilius, C. Cato, Caſſius, Antiſtius*, the chief ſpeakers in this debate, were all Tribuns of the people, and Collegues of *Lupus*.

[2] He was aſked probably by one of the Tribuns, *Cato* or *Caſſius*, who were on the ſame ſide of the quæſtion with him.

gueſs,

" gueſs, will be put off to the month of *Ja-*
" *nuary.*

M. TULLIUS CICERO, *to* P. LENTULUS, *Proconſul.*

Ep. Fam. i. 2.

" NOTHING was done in the Senate,
" on the *Ides of January:* becauſe a great
" part of the day was ſpent in an altercation,
" between *Lentulus*, the Conſul, and *Caninius*,
" Tribun of the people. I ſpoke much alſo
" myſelf on that day, and ſeemed to make a
" a great impreſſion on the Senate, by remind-
" ing them of your affection to their order.
" The day following therefore it was reſolved,
" that we ſhould deliver our opinions in ſhort [1].
" For the inclination of the Senate appeared to
" be turned again in our favor: which I clearly
" ſaw, as well by the effect of my ſpeaking, as
" by applying to them ſingly, and aſking their
" opinions. Wherefore when *Bibulus's* opinion

[1] This letter was written about a month after the former; ſoon after *Cn. Lentulus Marcellinus* and *L. Marcius Philippus* had entered upon the Conſulſhip. The quæſtion under debate was, in what manner they ſhould reſtore King *Ptolemy*, to the throne of *Ægypt*, from which he had been driven by his ſubjects. *P. Lentulus Spinther*, to whom this letter is addreſſed, who had been Conſul the year before, and was now Proconſul of *Cilicia*, was very deſirous to be charged with the commiſſion of reſtoring the King: *Cicero* was warmly in his intereſt, and *Pompey* pretended to be ſo too: yet all *Pompey's* friends were openly ſolliciting the commiſſion for *Pompey*.

" was

" was declared the firſt; that three embaſſadors " ſhould carry back the King: *Hortenſius's* the " ſecond; that you ſhould carry him without " an army: *Volcatius's* the third; that *Pompey* " ſhould carry him back: it was demanded, " that *Bibulus's* opinion ſhould be divided. As " to what he ſaid, concerning the ſcruple of " religion [1], to which no oppoſition could " then be made, it was agreed to by all: but " as to the three embaſſadors, there was a " great majority againſt it. *Hortenſius's* opini- " on was next: when *Lupus*, Tribun of the " people, becauſe he had made the motion in " favor of *Pompey*, began to inſiſt, that it was

[1] When this affair was firſt moved in the Senate, they ſeemed to be generally inclined to grant the commiſſion to *Lentulus*; and actually paſſed a decree in his favor: yet many of them afterwards, either out of envy to *Lentulus*, or a deſire of paying their court to *Pompey*, or a diſlike to the deſign itſelf, of reſtoring the King at all, contrived ſeveral pretexts to obſtruct the effect of it: and above all, by producing certain verſes from the *Sibylline* books, forewarning the Roman people, *never to reſtore any King of Egypt with an army*. *Bibulus's* opinion related to theſe verſes, and upon their authority, declared it dangerous to the Republic, to ſend the King home with an army: and though this pretext was ſo ſilly in itſelf, and known to be ſo by all thoſe, who made uſe of it, yet the ſuperſtition of the populace, and their reverence for the *Sibyl's* authority was ſo great, that no oppoſition could be made to it. The Senate embraced it therefore, as *Cicero* ſays, not from any ſcruple of religion, but malevolence to *Lentulus*, and the envy and diſguſt, which the ſcandalous bribery, practiſed by the King, had raiſed againſt him. See Ep. i.

" his

" his right to divide the houſe upon it, before " the Conſuls [1]. There was a great and ge- " neral outcry againſt his ſpeech; for it was " both unreaſonable and unprecedented. The " Conſuls neither allowed, nor greatly oppoſed " it: they had a mind, that the day ſhould be " waſted; which was done accordingly. For " they ſaw a great majority, ready to go into " *Hortenſius's* opinion, yet ſeemed outwardly to " favor *Volcatius's*. Many were aſked, and a- " gainſt the will of the Conſuls. For they were " deſirous, that *Bibulus's* opinion ſhould take " place. This diſpute being kept up till night, " the Senate was diſmiſſed," *&c.*

In one of *Cælius's* letters to *Cicero*, we find the following decrees of the Senate tranſcribed in proper form, and ſent with the other news of the city to *Cicero*, when Proconſul of *Cilicia*.

" The authority of the decree of the Senate. " On the 30th of *September*, in the temple of *A-* " *pollo*, there were preſent at the engroſſing of " it, *L. Domitius*, the ſon of *Cn. Ahenobarbus*;

[1] The opinion delivered in this debate in favour of *Pompey*, was firſt propoſed by *Volcatius*, a Conſular Senator; yet was eſpouſed afterwards by *Lupus*, Tribun of the people, and referred, or moved by him in form to the Senate, in order to be put to a vote, which was the peculiar right of the magiſtrates. But as to his diſpute with the Conſul about a priority in dividing the houſe, it ſeems to have been ſtarted by him with no other view, but to waſte the day, as the Conſuls alſo deſired to do, in a fruitleſs altercation, ſo as to prevent *Hortenſius's* opinion, which ſeemed likely to prevail, from being brought into debate.

" *Q. Cæcilius*,

" *Q. Cæcilius*, the ſon of *Q. Metellus Pius Scipio*;
" *L. Villius*, the ſon of *Lucius Annalis*, of the
" *Pomptine* tribe: *C. Septimius*, the ſon of *Titus*,
" of the *Quirine* tribe: *C. Lucceius*, the ſon of
" *C. Hirrus*, of the *Pupinian* tribe: *C. Scri-*
" *bonius*, the ſon of *C. Curio*, of the *Popillian*
" tribe: *L. Atteius*, the ſon of *L. Capito*, of
" the *Anienſian* tribe; *M. Oppius*, the ſon of
" *Marcus*, of the *Terentine* tribe. Whereas *M.*
" *Marcellus*, the Conſul, propoſed the affair of
" the Conſular provinces, his opinion upon it
" was this; that *L. Paullus* and *C. Marcellus*,
" Conſuls elect, ſhould, after their entrance into
" their magiſtracy, refer the caſe of the Conſu-
" lar provinces to the Senate, on the firſt of
" *March*, which was to be in their magiſtracy:
" and that no other buſineſs ſhould be moved
" by the Conſuls on that day before it, nor any
" jointly with it: and that for the ſake of this
" affair, they might hold the Senate, and
" make a decree on the *Comitial* days: and
" whenever it ſhould be brought before the
" Senate, they might call away from the bench
" any of the three hundred, who were then
" judges: and if it was neceſſary, that any
" thing ſhould be enacted about it by the
" people or the Commons, that *Serv. Sulpicius*
" and *M. Marcellus*, the Conſuls, the Præ-
" tors, the Tribuns, or any of them, who
" thought fit, ſhould lay it before the people
" or the Commons: and whatever they omitted

" to

" to refer to the people or the Commons, that " the ſucceeding magiſtrates ſhould refer it."

In *Cicero's* firſt *Philippic* alſo, in which he is reciting all their late tranſactions in the Senate, from the time of *Cæſar's* death, there is this paſſage: " On that day, in which we were ſum- " moned to the temple of *Tellus*, I there laid a " foundation of peace, as far as it was in my " power, and renewed the old example of the " *Athenians*, and made uſe of the ſame *Greek* " *word*, which that city then uſed, in calming " their civil diſſentions [1]; and gave my opi- " nion, that all remembrance of our late diſ- " cords ſhould be buried in eternal oblivion. " *Antony*'s ſpeech on that occaſion was excellent " * * *. He aboliſhed for ever out of the Re- " public, the office of a Dictator, which had " uſurped all the force of regal power. Upon " which we did not ſo much as deliver our opi- " nions. He brought with him in writing the " decree, which he was deſirous to have us make " upon it: which was no ſooner read, than we " followed his authority with the utmoſt zeal; " and gave him thanks for it by another decree " in the ampleſt terms [2].

But on another occaſion, in his *third Philippic*, he reproaches *Antony for decreeing a ſupplication or public thankſgiving to M. Lepidus, by a diviſion onely, or vote of the Senate, without aſking any one's opinion upon it:* which, in that caſe of a

[1] The Greek word, ἀμνηστία, amneſty. [2] Phil. i. 1.

ſupplication, *had never been done before* [1]. For it was thought a mark of greater reſpect to the General, in whoſe honor it was granted, to give his friends an opportunity of diſplaying his particular praiſes and ſervices, in their ſpeeches on ſuch occaſions.

[1] Fugere feſtinans, Senatus conſultum de ſupplicatione per diſceſſionem fecit: cum id factum eſſet antea nunquam. Phil. iii. 9.

That the opinions of the particular Senators uſed to be aſked, in the caſe of decreeing ſupplications, appears from Cic. Ep. Fam. viii. 11.

Dr. *MID-*

Dr. *MIDDLETON's*

PREFACE

TO

HIS TRANSLATIONS

OF

CICERO's LETTERS to BRUTUS,

AND OF

BRUTUS to CICERO.

Dr. *MIDDLETON's*

PREFACE

TO

HIS TRANSLATIONS

OF

CICERO's LETTERS, &c.

THE authority of *Cicero's* letters to *Brutus* having lately been called in queſtion by the learned *Mr. Tunſtall, Fellow of St. John's College, and Orator of the Univerſity of Cambridge* [1]; who, in a Latin Epiſtle addreſſed to myſelf, has attempted to prove them to be the forgery of ſome Sophiſt, and on the merit of that proof, has rejected them as ſpurious [2]; it ſeems incumbent particularly on me, to vindicate their credit, and aſſert their real antiquity: ſince it might juſtly be reckoned a fraud in the litterary, as it is in the mercantile world, to offer any thing to the public, which

[1] Vid. Tunſtalli Epiſt. ad C. Middleton. 8vo. Cantabrigiæ, 1741.

[2] *De* Epiſtolis — quæ *Ciceronis* nomen falſo præ[illegible]. ibid. p. 3.

we did not either believe, or could not even warrant to be genuin: and an Epiſtle indeed of that ſort addreſſed to me, muſt be interpreted by every body, as a defiance or challenge to enter the liſts with him in that cauſe; which it would be ſhameful in me to decline, not only as an Editor of the Epiſtles in queſtion, but as I have made great uſe of them in my *Life of Cicero*, without intimating the leaſt ſcruple, or indeed without conceiving any about them.

For I am not aſhamed to own, that I have always looked upon theſe letters, not onely as originals, but the moſt valuable of that kind, which are preſerved to us from old *Rome*; written in the very criſis and laſt ſtruggle of it's liberty, by the greateſt men, who then lived in it, and who ſoon after died for it. This, I ſay, has been my conſtant perſuaſion; which, after all the pains that our learned Critic has taken, I ſee not the leaſt reaſon to alter: and ſince it would be a ſenſible loſs to all the lovers of polite letters, to be deprived of a claſſical remnant of antiquity, of which they have fancied themſelves rightfully poſſeſſed; I think it my duty, as far as I am able, to free them from that apprehenſion, and to enſure to them the poſſeſſion of a treaſure, which they have ſo long enjoyed and ſo highly valued.

If it ſhould be aſked, why in a controverſy of this nature, I have choſen to give an *Engliſh* anſwer to a *Latin Epiſtle*; there were ſeveral reaſons, which determined me to prefer this method;

method: firſt, the perpetual reference and connection, which this piece will neceſſarily have with my *Life of Cicero:* ſecondly, as it will be a proper Preface to this Engliſh Edition of the letters themſelves: and thirdly, as it will make the ſubject of our diſpute more intelligible to every body; eſpecially ſince our Critic, with his *Latin* performance, though he profeſſes, *to come freſh from the Study of Tully's Epiſtles* [1], has not had the fortune to make himſelf underſtood, and will conſequently be very little read, without the help of ſuch a comment.

In order therefore to place the whole argument in the cleareſt light, I ſhall lay before the reader, in the firſt place, a ſhort hiſtory of the Epiſtles here publiſhed; as it is delivered to us from the earlieſt tradition, to the time of our Critic's attack upon them.

It appears from the accounts of the ancients, that a collection of letters, between *Cicero* and *Brutus*, was ſubſiſting many ages after *Cicero's* death. *Nonius Marcellus*, an old Grammarian, cites a paſſage from *the firſt*; and another, from the *eighth book* of them [2]: *Quintilian* often refers to them [3]: and *Plutarch*, as our Critic obſerves, has given us extracts from two of the

[1] Nam cum ab Epiſtolarum earum, quæ haud dubie *Ciceronis* ſunt, lectione recens ad has——deveniſſem. Tunſt. Epiſt. p. 193.

[2] Vid. Non. Marcell. de different. dictionum in different. inter *amare* & *diligere*. it. And. Patric. in Fragment. Epiſt. ad Brut.

[3] Vid. Quintil. l. iii. c. 8. l. viii. 3, 6. l. ix. 3, 4.

principal of them [1]. This collection then consisted of *eight books*; all of them probably written, between the time of *Cæsar's* and of *Cicero's* death, concerning the memorable events of that busy period; which included about a year and half: for the passage, that *Nonius* cites from *the first* book, is found in *the first* of these Epistles now remaining [2]; which seems to have been written about the end of the year, in which *Cæsar* was killed [3]. The correspondence indeed between these two great men began several years before, when *Cicero* was Proconsul of *Cilicia* [4]; and was carried on occasionally through all *Cæsar's* reign; but as the letters of that interval related chiefly to private affairs, and the mutual recommendation of their friends to each other; so those, which happened to be preserved, were inserted among the *Familiar Epistles*, where some of them are to be found at this day [5].

As the original letters then of this collection are allowed to have subsisted till the time of *Plutarch*; so we cannot suppose them to have been wholly lost in *Rome* and *Italy*, till the final declension of that Empire, and that universal ruin,

[1] Vid. Tunstall. Epist. p. 194.

[2] Observandum est, eum Epistolarum librum, qui nunc etiam extat inter impressos ad *Brutum*, primum nominari a Nonio, in differentia inter *amare* & *diligere*. And. Patric. in Fragm. Epist. ad Brut.

[3] A. U. 709.

[4] In *Cicero's* Epistles to *Atticus*, during his government of *Cilicia*, he mentions several letters, which he had received from *Brutus*. Ep. ad Att. l. vi. 1. &c.

[5] Ep. Fam. xiii. 10.

which

which oppreſſed all the liberal arts, by the overbearing power of *the Goths and Vandals*. But after many centuries of *Gothic* barbariſm, whenever any men of genius or ſuperior taſte began to inquire after the monuments of the ancients, *Cicero's* works were generally the firſt, that were ſought for in all the places, where there was any ſchool of learning, or library of books. *Petrarch*, who floriſhed about the year 1340, was the leader in this ſearch, as all the later writers teſtify of him. *He was the firſt*, ſays *Ludovicus Vives*, *who unlocked the muſty libraries, and wiped off the duſt from the monuments of the Claſſic writers: on which account the Latin tongue is much indebted to him; though he was not able to attain to a purity of writing, or to clear himſelf intirely from the barbariſm of his age.* *Paullus Jovius* and others give the ſame account of him; *that he was the firſt, who attempted to retrieve the Latin tongue, and to raiſe up the ancient letters from their Gothic Sepulchres* [1].

He tells us himſelf, in one of his letters, what great pains he took, to recover the remains of *Cicero*; not onely in perſon and in his travels through *France* and *Germany*, but by commiſſions to his friends and correſpondents in all parts of *Europe*, the reſult of which was; *that he got together ſeveral duplicates of Cicero's common pieces, but was not able*, he ſays, *to procure any of the*

[1] Vid. Doctor. teſtimonia de Petrarcha, in Edit. Oper. Fol. Baſil. 1581.

rare ones, except the two books on Glory, (which he loſt again ſoon after by lending to a friend) *and ſome ſeparate Epiſtles and Orations* [1]. Among the reſt, we find him poſſeſſed of theſe very Epiſtles, which are the ſubject of our preſent inquiry: for in one of his letters, fancifully addreſſed to the Manes of *Cicero*, he cites two paſſages, from the two celebrated Epiſtles of *Brutus*; the one to *Cicero*, the other to *Atticus* [2].

Petrarch's example improved the taſte of his own, as well as of the ſucceeding ages; and inſpired the learned with the ſame zeal of hunting out the works of the ancients, and particularly of *Cicero*. Among whom *Poggius of Florence*, in the next century, is ſaid to have brought into *Italy* the copies of ſeveral of his pieces, from *the Council of Conſtance*; and to have been the firſt diſcoverer of the intire collection *of his Epiſtles to Atticus* [3]; which, with thoſe *to his Brother Quintus*, and the few, that were then found of theſe very letters to *Brutus*, were printed together in one volume ſoon after *Poggius's* death, at *Venice*, by *Nicolas Jenſon*; and at *Rome* by *Sweynheim* and *Pannartz*; A. D. 1470. Which letters, as it is ſignified in an Epigram, at the end of *Jenſon's* Edition, were very rare to be

[1] Vid. Petrarch. Epiſt. l. xv. 1.

[2] Vid. Petrarch. Epiſt. ad quoſdame Veterib. Ep. 3. p. 704.

[3] Vid. Hoffman. Lexic. de Poggio & And. Patric. in Fragm. de Gloria.

met with before the time of that impreſſion [1].

But of the *eight books* of theſe letters, which anciently ſubſiſted, no more could be retrieved by the curious of thoſe times, than *eighteen* ſcattered Epiſtles, which were publiſhed in that firſt edition: and of which ſeveral impreſſions were afterwards made in different parts of *Europe*: till *ſix* or *ſeven* more, rather fragments, than intire letters of the ſame collection, happened to be found many years after in *Germany*; which were printed likewiſe and added to the common editions, though ſeparated and diſtinguiſhed in moſt of them, as they continue ſtill to this day, from the *eighteen*, which were before publiſhed.

Theſe *eighteen*, from their firſt appearance in the world, either in MS. or print, have generally paſſed among the learned for *the original Epiſtles of Cicero and Brutus*. *Eraſmus*, indeed, ſeems to rank the letters of *Brutus*, in the ſame claſs with thoſe of *Phalaris*, as *the declamatory compoſitions* of ſome Sophiſt [2]: yet upon another occaſion, he cites the very ſame letters, without intimating the leaſt ſuſpicion of them [3]; and I do not know, that they have ever

[1] Vid. Mattaire Annal. Typograph. vol. 1.

[2] Porro, quas nobis reliquit neſcio quis, *Bruti* nomine; nomine *Phalaridis*, nomine *Senecæ* & *Pauli*; quid aliud cenſeri poſſunt, quam declamatiunculæ? Epiſt. ad Beat. Rhenan. Oper. Tom. iii. par. 1. p. 554. C. Lugd. Bat. 1703.

[3] *Brutus* indignatur *Ciceroni*, qui ſuis concionibus & ſcriptis irritaret eos, quos irritatos non poſſet opprimere. Ep. ad. Guilhelm. ib. p. 641. A.

been

been ſuſpected by any body elſe. As to the reſt, which were found afterwards in *Germany*, though the novelty of the diſcovery ſurprized the Critics a while, and made them cautious of declaring any judgment upon them, yet after they had been ſpread into all hands, and conſidered at leiſure by men of taſte, they met with the ſame approbation, as the firſt eighteen; and have been cited ever ſince without any ſcruple, as the unqueſtionable remains of the great authors, to whom they are aſcribed.

I publiſh theſe ſix Epiſtles, ſays *Victorius*, *as I received them from the Germans: for though I have never met with them in any old MSS, yet I have no mind to impeach the fidelity of the Germans, who atteſt, that they found them in an ancient copy, nor to interpoſe my own judgment on either ſide* [1]. *Lambinus* ſays the ſame thing, but adds, *yet if any one is deſirous, to know my opinion about them, I take them to be the genuin Epiſtles of Brutus and Cicero* [2].

Sigonius, in his collection of the fragments of *Cicero*, ſpeaking of theſe ſame letters, ſays; "I "have choſen to inſert in this place, four let-"ters of *Cicero* to *Brutus*, and one of *Brutus* to "*Cicero*, which are ſaid to be found by *the* "*Germans* in a MS copy [3]; becauſe they are

[1] See Victorius's Edition of Cicero's works.

[2] See Lambinus's Edition.

[3] Theſe Epiſtles found in Germany are differently divided in the common Editions into *five*, *ſix*, or *ſeven*.

"rejected

" by many, as ſpurious, nor are found in all the " printed editions; and in thoſe, where they " are found, are jumbled together confuſedly, " and read with little or no regard—yet both " the matter and time of them ſhew, that they " ought to be placed before all the reſt of the " Epiſtles to *Brutus*, but ſo, as to be connected " with them [1]." And in another part of his comment, he confirms a paſſage in one of theſe letters, by a parallel expreſſion in the other *eighteen*, which, as he declares, *were unqueſtionably held to be Cicero's* [2].

Andr. Patricius alſo, who publiſhed a more complete collection of the ſame fragments, ſoon after that of *Sigonius*, ſpeaking of *the Epiſtles found in Germany*, ſays; " there are ſome, in- " deed, who deny them to be *Cicero's*; but I " attribute more in this caſe, to the letters them- " ſelves, which ſpeak ſufficiently for themſelves, " and to the authority alſo of *Manutius*, who af- " firms the ſame thing, than to any man living. " Yet thoſe, who do not acknowledge *Cicero's* " hand in them, are but few, and cannot ſure- " ly be very learned. Let theſe letters then be

For as five of them were found imperfect, ſo ſome of the five have been annexed to each other, according to the different fancy of different Editors, as ſuppoſed to have belonged originally to the ſame letter.

[1] Vid. Sigonii Schol. in Fragm. Cic. p. 176.

[2] Quod etiam facit in iis, quæ pro certo *Tullianæ* habentur. ib. p. 178.

" joined

" joined to the reſt, as the thing itſelf requires, " and as *Sigonius* has ſhewn the way [1]."

This was the ſtate of *the following Epiſtles*, when our Critic thought fit to make his attack upon them. The eighteen, firſt printed, had been generally received as genuin by the Critics of all ages: the reſt were ſuſpected a while by a few, but after a due examination obtained the ſame credit with the firſt. Our Critic makes no diſtinction, but roundly condemns them all: and ſo far I am ready to agree with him; that if he can prove any one of them to be forged, I ſhall make very little difficulty to give up the reſt. But though I have conſidered his arguments with attention, yet they have had no other effect, but to perſuade me more ſtrongly than ever, that the letters are originals: and I can hardly doubt, but that every reader will be of the ſame mind, when we come to the examination of his particular objections.

But before we deſcend to this taſk, it will be neceſſary to diſcuſs with him a preliminary point or two, which ſeem to be of no ſmall moment towards determining the main queſtion. For if, upon his authority, we muſt believe the Epiſtles to be ſpurious, it might reaſonably be expected, that he ſhould give us ſome account *at the ſame time*, in what age, or *by whom*, they might probably be forged; concerning which he has not ventured, to offer the leaſt conjecture. That

[1] Vid. And. Patricium in Fragm. Epiſt. ad Brutum.

we

we may ſupply therefore what he has omitted, let us conſider here a little, at what time this imagined forgery could poſſibly be executed. He allows them indeed to be *ancient* [1]; yet in another place ſeems to ſuſpect, that they may perhaps *be modern* [2]; but does not pretend to ſay, either *how ancient* or *how modern* he takes them to be: and here lies the difficulty; and ſo great an one, as ſeems ſufficient of itſelf, to ſhake his whole Hypotheſis.

The original letters were extant, as we have ſeen, to the time of *Plutarch*; and could not therefore be loſt, till the purity of the Latin tongue was loſt: and as there could be no room for ſuch a forgery, as long as the genuin letters were in being, ſo it is not credible, that, in the following ages of barbariſm, a Sophiſt ſhould be found, ſo perfect a maſter of *Cicero's* ſtyle, and the pureſt taſte of writing, as to impoſe his forgeries upon the ableſt Critics, who have ever lived: or that he ſhould think of putting ſuch a cheat upon the world, at a time, when there was ſcarce a man, much leſs a ſociety of men in it, who had any particular reſpect for *Cicero*, or made any ſtudy of his writings: or when thoſe writings lay diſperſed and neglected in diſtant parts of *Europe*, that he ſhould be furniſhed with them ſo largely, as to be able to execute a

[1] Quod ſiquis horum antiquitatis monumentorum, veterum fortaſſe—amore adductus, &c. Tunſtall. Epiſt. p. 251.

[2] Hæc quidem antitheſis quiddam τῶν νεωτέρων ſapere videtur. ib. p. 233. in notis.

work,

work, which required an intimate knowledge and acquaintance with them all.

Again; as the genuin letters ſubſiſted, till the purity of Latin was loſt, ſo theſe remains, which are now in our hands, were actually in being long before that purity revived; being cited, as I have ſhewn, by *Petrarch*, two centuries before the reformation; or before any taſte of fine writing began to floriſh again in *Europe*: ſo that, if they were really forged, as our Critic contends, they muſt have been forged in the intermediate ages of darkneſs and ignorance, ſince their known hiſtory precludes us from aſcribing them to any other age.

For my own part, as far as I am able to judge, either from the ſtyle, or, on what I lay a far greater ſtreſs, the matter of them, I take them to be in all points ſo truly *Ciceronian*, as to be perſuaded, that there has ſcarce been a man in the world, from the time of *Plutarch*, to that of *Petrarch*, who was capable of ſuch a forgery. Nay, from the time even of *Auguſtus*, we ſee ſo remarkable an alteration, and gradual declenſion of language, in the very beſt writers of the ſucceeding ages, as could hardly have failed of being diſtinguiſhed, in a ſeries of many letters, from the flowing periods of *Cicero*. The lower we deſcend, the caſe is ſtill worſe; and in proportion, as we remove from the age of *Cicero*, towards that of *Petrarch*, the difficulty increaſes to a degree almoſt of impoſſibility. About the time indeed of the Reformation, the men of taſte

and polite letters began to vie with each other in the delicacy of their ſtyle, and above all, in the imitation of *Cicero*; in which they were ſo nice and faſtidious, as to allow nothing to be claſſical, that was not drawn from his works [1]. Some of theſe, by making *Cicero* their ſole pattern, were able perhaps to copy his manner, with more exactneſs, than any who have lived ſince *Plutarch's* time: but it happens, that the ſuſpected letters were not only extant, but printed, long before any writers of this claſs were in being.

But if we had found a Sophiſt, capable of ſuch a work, and ſettled the time, in which he lived, yet another queſtion will occur, of no leſs difficulty, concerning the end, that he propoſed to himſelf in undertaking it. It could not certainly be fame; ſince he choſe to lie concealed, and continues concealed to this day: nor could it be money; ſince in the barbarous ages, no body would buy his work; nor in any age, would the gain ever pay for the labor of it. Our Critic indeed has pointed out two ends, which he might poſſibly have in view; firſt, to draw up *an epilogue or ſupplement to the Epiſtles to Atticus*,

[1] Quaſi parùm ſit in orbe factionum, revixit nova factio *Ciceronianorum*——Ut, fateor *Ciceroni* primam in dicendo laudem deberi, ita puto ridiculum, tota vita nihil aliud agere, quam ut *Ciceronem unum* exprimas. Ep. ad Jac. Tuſſanum. ib. p. 938. D.

Ac non *Ciceronianum* appellari multo probroſius eſſe ducunt, quam appellari hæreticum. ad Jo. Vergar. ib. p. 1015. E.

ticus, ſo as to carry on the hiſtory, where thoſe to Atticus drop it [1]. But when there had been *eight books* of theſe letters originally ſubſiſting, whoſe loſs ſuggeſted the thought of forging others in their ſtead, it is reaſonable to imagine, that he would have carried on the hiſtory, as far as thoſe books had done: or given us at leaſt a regular ſeries of letters, and not, what we now find, a few unconnected Epiſtles, with ſome pieces or fragments of others, which appear to be the ruins of a greater work; and inſtead of continuing the hiſtory to the end of the correſpondence between *Cicero* and *Brutus*, afford but a partial and broken detail of it, thro' four months onely of the twelve, which he had undertaken to ſupply.

The ſecond end, which he has provided for his Sophiſt, is, *to vindicate Cicero's character from the imputation of raſhneſs, in throwing too much power into the hands of Octavius* [2]: and this indeed was the onely anſwer, that he gave me, when I aſked him once in a converſation, *what end the Sophiſt could ſerve by ſuch a forgery*: and though I thought it ridiculous, and freely told him ſo, yet he has taken occaſion to intimate it

[1] Hæque remaneant ſolæ, quæ earum, quæ ad *Atticum* ſunt, hiſtoriam producant, & *Epilogi* cujuſdam vicem, quaſi id de induſtria comparatum fuiſſet, ſuſtineant. Tunſtall. p. 194.

[2] Id notare proclive eſt, *defenſorem noſtrum Ciceronis* plus nimio laboraſſe, ne is, in ſuſcipiendo *Cæſaris* patrocinio, promovendaque dignitate, famam, quod dicit, ſubiret temeritatis. ib. 212.

in

in different parts of his work. But againſt whom then could this Sophiſt mean to defend *Cicero?* why truly againſt himſelf. For no body ever accuſed him, but the author of theſe letters; or no body, I may venture to ſay, who had not firſt read and believed them to be genuin. Thus *Petrarch*, though he had a veneration for *Cicero's* character, yet upon the authority of theſe letters, does not ſcruple to cenſure his conduct, as inconſiſtent with his principles. *What anſwer*, ſays he, *will you give to your Brutus, when he tells you, that the court, which you pay to Octavius, ſhews, that you are not diſpleaſed with a maſter, but want onely to have a more friendly one?* And again, *I myſelf, with that ſame Brutus, can no longer ſet any value on thoſe arts, with which I know you to be ſo greatly furniſhed* [1]. Our critic, therefore, if he will be conſiſtent, muſt introduce *two Sophiſts*, inſtead of *one*, in his next edition; the one to arraign, and the other to defend *Cicero*.

But it is time to proceede to the examination of his objections, which he ſums up in general to the following effect:

" *That as he came freſh from the reading of* " *Cicero's genuin letters, ſo he perceived, that* " *theſe to Brutus wanted the beauty and copiouſ-* " *neſs of the Ciceronian diction; that both Bru-* " *tus's and Cicero's were drawn in the ſame ſtyle* " *and manner of coloring; and trimmed up with*

[1] Vid. Petrarch. Epiſt. ad viros quoſdam e veteribus. Ep. i. p. 704.

" *ſo much art and diligence, that they ſeemed to*
" *procede rather from ſcholaſtic ſubtlety and me-*
" *ditation, than from the genuin acts and affairs*
" *of real life: that when there had been ſeveral*
" *other letters from Brutus to Cicero, and to At-*
" *ticus, both before and after the time, in which*
" *theſe are ſuppoſed to be written, it was ſtrange,*
" *that all thoſe ſhould be loſt, and theſe onely re-*
" *main, which appear to have been induſtriouſly*
" *deſigned for an Epilogue to the Epiſtles to At-*
" *ticus. That theſe reaſons induced him to ſuſ-*
" *pect; but upon looking farther into the letters*
" *themſelves, he diſcovered many abſurdities in the*
" *ſenſe, improprieties in the language; many re-*
" *markable predictions of future events, both*
" *on Brutus's ſide and on Cicero's; but what was*
" *moſt material, a great number of hiſtorical*
" *facts, not onely quite new, but wholly altered,*
" *and ſome even apparently falſe, and contradic-*
" *tory to the genuin works of Cicero* [1].

He goes on to ſupport this general charge by particular proofs, and begins with ſuch as relate to hiſtory; which he opens with two *notable paſſages*, as he calls them, from *Plutarch*; wherein he gives the following ſummary account of the two famous Epiſtles of *Brutus*; the one to *Cicero*, the other to *Atticus*, which our Critic ſuppoſes *Plutarch* to have ſeen in the original collection, that ſubſiſted in his time [2]. " *When Cicero*, ſays *Plutarch*, *out of hatred to*
" *Antony had eſpouſed the intereſts of Octavius*,

[1] Tunſt. Epiſt. p. 193. [2] Ib. 194.

" *Brutus*

" *Brutus reproved him for it ſeverely, telling him*
" *by letter, that he had no averſion to a maſter,*
" *but was afraid onely of an angry one; that all*
" *his meaſures tended to procure an eaſy ſervitude,*
" *ſince he was conſtantly declaring in his letters*
" *and ſpeeches, that Octavius was a good natured*
" *man; whereas our anceſtors, ſays he, would not*
" *endure even a gentle maſter. That for his*
" *part, he had not thought proper as yet, either to*
" *enter forwardly into war, nor wholly to ſit*
" *idle, but had taken onely this ſingle reſolution,*
" *not to live a ſlave. That he was ſurprized,*
" *that Cicero ſhould have ſo much dread of a*
" *civil and dangerous war, yet have none at the*
" *ſame time of a baſe and inglorious peace; but*
" *ſhould demand as the reward of diſpoſſeſſing An-*
" *tony of his tyranny, to make Octavius the ty-*
" *rant in his ſtead. To this effect*, ſays *Plutarch*,
" *Brutus expreſſed himſelf in his firſt letter* [1]."

Again; with regard *to Brutus's other letter to Atticus*, *Plutarch* ſays; " *that Cicero's hatred*
" *to Antony in the firſt place, and in the next, his*
" *own natural temper, unable to hold out againſt*
" *thoſe, who paid a court to him, made him Octa-*
" *vius's friend; imagining, that he ſhould attach*
" *his power by that means to the ſervice of the*
" *ſtate. For the young man carried himſelf ſo*
" *obſequiouſly towards him, as to call him even*
" *Father. Upon which Brutus, being greatly*
" *incenſed, inveighs againſt Cicero, in a letter to*
" *Atticus; that by the obſervance which he paid*

[1] Vid. Plutar. in Vit. Brut. p. 994.

" *to Octavius, through fear of Antony, he plainly*
" *ſhewed, that his aim was, not to procure the li-*
" *berty of his country, but a kind maſter onely to*
" *himſelf* [1]."

Now theſe two paſſages agree very well in the main with the general argument of the two letters, which are ſtill extant. But our Critic obſerves, that there are ſome manifeſt contradictions between them; the principal of which is, that the genuin letters, which *Plutarch* had ſeen, were written by *Brutus*, *while he continued in Italy*, whereas theſe, which are now in our hands, are pretended to be written much later, *when Brutus was in Macedonia* [2]. He mentions two other contradictions of leſs moment, which I ſhall not repeat, as being nothing to his purpoſe; ſince thoſe, who follow fact and plain ſenſe, would make no other reflexion upon them, but that *Plutarch* was negligent and inaccurate, as he is known to be in all his *Lives*, and the whole difficulty would be ſolved.

But this ſolution cannot pleaſe our Critic. It cuts ſhort all refinement, and leaves no room for an Hypotheſis; which he reſolves to build upon theſe very facts; for he tells us in the next paragraph, " *that ſome Sophiſt, happening to read*
" *thoſe true ſentiments of Brutus, in Plutarch, or*
" *ſome other Hiſtorian, took the hint to forge a*
" *collection of letters upon that plan, and executed*
" *it accordingly; but without the leaſt regard to*

[1] Plut. in Vit. Cicer. p. 883.
[2] Tunſt. Ep. p. 196.

" *the*

" *the time, in which the original letters were* " *written; or without conſidering, how much* " *earlier Plutarch had placed the facts there men-* " *tioned, than he thought fit afterwards to place* " *them; or how long before his account of the* " *matter, Octavius had been ſuſpected, and Bru-* " *tus had found reaſon to chide Cicero for his in-* " *conſiderate raſhneſs in making him ſo great* [1]." But he muſt be a ſtupid Sophiſt, indeed, who after forming the plan of a work, by which he hoped to deceive the world, could be ſo careleſs in the execution of it, as to contradict his author in the very articles, which he was borrowing from him.

Since *Plutarch's authority* then is made the foundation of our Critic's Hypotheſis, in oppoſition to what I have elſewhere obſerved with relation to it, it will be neceſſary to reſume the conſideration of that queſtion, and to ſtate the real merit of it, as briefly as I can; eſpecially as it will afford us a ſpecimen of our Critic's judgement, and manner of reaſoning through his whole performance.

I had obſerved in the Preface to my *Life of Cicero*, " that the *Greek Hiſtorians* were to be " read with ſome caution, in their accounts of " Roman affairs; as being ſtrangers to the lan- " guage and cuſtoms of *Rome*; and on that ac- " count liable to many miſtakes, and ſubject to " many prejudices: that *Plutarch* in particular " was not ſufficiently qualified for *a compiler of*

[1] Tunſt. Ep. p. 197.

" *a Roman Hiſtory*, for the want of a competent " ſkill in the Latin tongue; but if he had poſ- " ſeſſed all the talents requiſite to that character, " yet the attempt of writing *the lives of all the* " *illuſtrious Greeks and Romans*, was above the " ſtrength of any ſingle man, of what abilities " and leiſure ſoever; much more of one, who, " as he himſelf tells us, *was perpetually engaged* " *in public buſineſs, and in giving lectures of Phi-* " *loſophy to the great men of Rome:* that his " Lives therefore muſt needs be imperfect and " ſuperficial; and the ſketch rather than the " completion of a great deſign: for the truth " of which I appealed to his *Life of Cicero*; in " which, beſides the numerous miſtakes that " have been charged upon it by the learned, " we ſee all the imaginable marks of negligence, " inaccuracy, and want of due information[1]."

After the publication of that work, I was informed, that an ingenious member of the French Academy, *M. Secouſſe*, had given the ſame judgement on *Plutarch* before me, and for the ſame reaſons; which he had exemplified by many inſtances from the lives of *Camillus*, *Lucullus*, and *Pompey:* where, among other miſtakes, he had taken notice of one or two, which ſeemed to be derived from the equivocal ſenſe of the *Latin word* and *Plutarch's* imperfect knowledge of it[2].

[1] See Pref. to the Life of Cic. p. 24.

[2] Hiſt. de L'Academ. Royal des Inſcript. Tom. v. p. 169, &c.

But

But the moſt deciſive teſtimony in the caſe, is that of *Plutarch* himſelf, who confeſſes the very fact, that I affirm, in *the Life of Alexander*, which he begins with theſe words:

" As I am drawing up in this volume *the* " *Lives of Alexander and of Cæſar*, ſo I ſhall pre- " miſe nothing more, on account of the num- " ber of their great actions, but onely entreat " the reader, not to cavil or find fault with me, " if I do not deſcribe all their celebrated acts, " nor even the particular ones, with any exact- " neſs; but cut ſhort the greateſt part of them; " ſince I do not pretend to write *hiſtories*, but " *lives*. Nor does the illuſtration of men's vir- " tues or vices depend always on their moſt " conſpicuous acts; but a little fact, or ſaying, " or jeſt has often given a clearer diſcovery of " their real temper and manners, than their moſt " bloody battles, moſt famous engagements and " ſieges. As Painters therefore draw the like- " neſſes of perſons from the features of the face " and countenance, by which their manners are " chiefly diſcerned, and pay very little regard " to the other parts of the body; ſo it muſt be " allowed likewiſe to me, to attend principally " to the indications of the mind; and from theſe " to form the picture of each man's life, leav- " ing their great actions and atchievements to be " deſcribed by others."

This was the maxim that *Plutarch* conſtantly purſued; and which makes him ſo full every where of *the apophthegms* and *jeſts* of his he-

roes [1]; overlooking at the ſame time their moſt celebrated actions; or treating them at leaſt in a ſlight and ſummary way; and, as he himſelf profeſſes, without any kind of accuracy: of which there are infinite examples in all thoſe lives. I ſhall trouble the reader with one or two which relate to our preſent ſubject, and are drawn from the ſame page, whence our Critic has borrowed one of his *notable* teſtimonies, which have given him this occaſion to inſiſt upon the accuracy, and authority of *Plutarch*; who, in his *Life of Cicero*, after an account of *Cicero's* return to *Rome*, from his intended voyage to *Greece*, and of the open quarrel, which then firſt broke out between him and *Antony*, goes on to ſay:

" From this time, whenever they met, they " paſſed by each other, without any mark of " reſpect, and kept themſelves upon their " guard: till young *Octavius*, arriving from " *Apollonia*, took poſſeſſion of the inheritance of " his uncle *Cæſar*, and entered into a controverſy " with *Antony*, about 2500 myriads, which he " detained of that eſtate. Upon which *Phi-* " *lippus*, who had married his mother, and " *Marcellus*, who married his ſiſter, bringing " the young man with them to *Cicero*, made

[1] In *the Life of Cato the Elder*, " I will relate, ſays " he, a few of his ſayings, " that are ſtill remembered; " as being one of thoſe, who " contend, that the manners " of men are diſcovered " much more eaſily by their " words, than by their coun- " tenances, &c." p. 340.

" an

" an agreement with him; that *Cicero* ſhould " aſſiſt *Octavius* with all the power of his elo- " quence and civil authority, both in the Se- " nate and with the people; and that *Octavius* " ſhould afford *Cicero* the ſupport of his money " and troops: for the youth had already gather- " ed about him a great number of veterans, " who had ſerved under *Cæſar*; and *Cicero* " ſeemed very willing to embrace his friend- " ſhip [1]."

Now in this ſummary account of the moſt conſiderable and critical paſſages in *Cicero's* life, we ſee all the proofs of negligence and inaccuracy, that a writer could poſſibly give, within ſo ſmall a compaſs. For in opening the grounds of *Cicero's* breach with *Antony*, he ſays not a ſyllable of *Cicero's firſt Philippic*, which was ſpoken at that very time, and was the foundation of that breach. Then he makes *Octavius's* arrival from *Apollonia* to happen after *Cicero's* rupture with *Antony*, which was in the beginning of *September*; whereas we know from the letters to *Atticus*, that *Octavius* arrived at *Naples*, on *the* 18*th of April*; went the next morning to the Villa of his Father *Philippus*; whence he was introduced preſently to *Cicero*, in his *Cuman Villa*, adjoining to that of *Philippus*; where *Balbus*, *Hirtius*, and *Panſa* were with *Cicero* [2]: and though from this firſt interview, *Octavius* paid all imaginable court to

[1] Plut. in Cicer. p. 883. [2] Ep. ad Att. xiv 10, 11.

Cicero, and ſollicited him afterwards by letters and meſſages, to take his affairs under his protection; yet *Cicero* conſtantly declined it, and would not enter into any agreement with him, till the *November* following; when it was brought about at laſt by the mediation of *Oppius* [1]. Yet all this, which was the work of ſeven months, *Plutarch* repreſents, as concluded at their firſt meeting, and at *Rome*, and by the interpoſition of *Philippus* and *Marcellus*.

The ſame page affords ſtill a more glaring proof of *Plutarch's* negligent manner of huddling over the great events of hiſtory. For, after the paſſage cited above, relating to *Brutus's* reproof of *Cicero*, in his letter to *Atticus*, he ſays; "yet "for all this, *Brutus* finding *Cicero's* ſon at *A*- "*thens*, gave him a command in his troops, and "by his ſervices gained many advantages a- "gainſt the enemy; and *Cicero's* power at that "time was at it's greateſt heighth in the city; "where he did whatever he pleaſed; raiſed "up a party againſt *Antony*, and drove him out "of *Rome*; ſent away the two Conſuls, *Hirtius* "and *Panſa*, to make war upon him; per- "ſuaded the Senate to decree to *Octavius*, the "rank and enſigns of a Prætor, as having taken "up arms in the defence of his country: but "when *Antony* was beaten, and the two Conſuls "killed in the battle, then all their forces went "over to *Octavius*, &c. [2]."

[1] Ep. ad Att. l. xvi. 15. [2] Plut. in Cicer. 883.

Here

Here again we see the transactions of many months, the most important, not onely in *Cicero's* life, but in *the whole Roman history*, in which *Cicero* made the most shining figure, and spoke all his *Philippic* orations, huddled over within the compass of a few lines; without any regard to time, or order, just as *Plutarch* happened to think of them; and in the manner, that we might expect from his own account of the design and method which he pursued in that work.

These testimonies, I am perswaded, will justify the judgement, that I have given of *Plutarch*, as a *Roman Historian*; which instead of flowing from any *contempt* of him, with which our Critic unjustly charges me [1], is nothing more in effect, than what he himself has declared; and what every one, who reads him without the prepossession of an Hypothesis, will necessarily observe from innumerable facts and instances.

I cannot however quit this fruitful page, without adding one remark more, not upon *Plutarch's* negligence, but our *Critic's*; to say no worse of it; who affirms, that *the two Epistles of Brutus, to which Plutarch* refers, were written *before Brutus left Italy*; *for this*, says he, *is not onely manifest from the context, but Plutarch himself expressly declares it* [2]. Yet in the account al-

[1] Miror te *Plutarche*, quem tamen contemnis. Tunst. Ep. p. 30.

[2] Nimirum Epistolæ, de quibus *Plutarchus* loquitur, scriptæ sunt, dum *Brutus* adhuc in Italia consistebat. Id ex historiæ contextu manifestum est; sed & idem diserte dicit. Ibid. p. 196.

ready

ready given of one of thoſe Epiſtles, *Plutarch*, as we have ſeen, ſays not a ſyllable about the time of it; and the context is ſo far from ſhewing it to be written, *while Brutus was in Italy*, that, from the facts and circumſtances annexed, it clearly ſhews the contrary; that it was written, when *Brutus was employing Cicero's ſon in the command of his troops in Macedonia*; *while Cicero himſelf was in the heighth of his power at Rome*; *after he had driven away Antony*; *ſent the two Conſuls after him*; *and decreed the Prætorian enſigns to Octavius*: all which did not happen, till many months after *Brutus had quitted Italy*. Nor is our Critic's aſſertion true, with regard to the other letter; for though the context ſeems to imply, that it was written *by Brutus in Italy*; yet *Plutarch* ſays nothing directly about the time of it. Should we allow then all the weight, that can be given to theſe two *notable* teſtimonies; ſhould we grant them to be both accurate and deciſive; yet they amount to no more than this; that, as far as we may gueſs from the context, one of the letters was written in *Italy*; the other in *Macedonia*; yet in neither caſe, though our Critic affirms it of both, does *Plutarch* ſay expreſsly, either when, or where they were written. He calls the Epiſtle indeed to *Cicero*, *Brutus's firſt Epiſtle*; though it was certainly later than the other to *Atticus*; but that they were *both written from Macedonia*, is demonſtrably evident, as I ſhall ſhew by and by; though *Plutarch*, according to

to his usual negligence, and as far as his authority reaches, has made both the place, and the time of them uncertain.

But though *Plutarch's* authority be of little force in this question, I have another authority to combat, on which our Critic perhaps may lay a greater stress; that is, his own: for he declares it to be *his absolute opinion, that the two original letters, which Plutarch had seen, were written before Brutus left Italy* [1]: because, there *were substantial reasons before that time, for suspecting Octavius; and for censuring Cicero's inconsiderate rashness, in making him so great* [2].

It is surprising that a man, who has made any study of *the Epistles to Atticus*, can declare such an opinion, which is directly confuted by a series of those very Epistles. But the foundation of his Hypothesis must be destroyed, if this point cannot be made good, that *the original letters between Cicero and Brutus* were written at *a different time*, from *the letters now extant*; and all regard to facts, and to *Cicero's* character must be sacrificed to the support of this favorite Hypothesis. But a few extracts from the letters themselves will clear up the matter, and let the

[1] Atque hoc quidem tempore ipso, *Brutum*, insignes illas Epistolas, & ad *Atticum* & ad *Ciceronem*, de quibus *Plutarchus* narrat, scripsisse, omnino existimo. Tunst. Ep. p. 200.

[2] Inconsultam in *Octavio* augendo *Ciceronis* temeritatem, justissimasque adeo *Bruti* objurgationes. Ibid. 197.

reader

reader ſee with what judgement, as well as modeſty, he ſo freely and frequently charges *Cicero*, with an *inconſiderate raſhneſs, and marvellous eagerneſs*, in eſpouſing the intereſts of *Octavius*, *from the firſt moment of his landing at Naples* [1].

In the firſt letter, in which *Cicero* mentions *Octavius*, he ſays; "*Octavius* arrived at *Naples* "on the 18th of April; whither *Balbus* went "to him early the next morning, and came "back the ſame day to me, in my *Cuman* villa; "and brings word, that he will aſſert his right "of ſucceſſion to his uncle. But this, as you "write, will make a rare diſpute between him "and *Antony* [2]."

In the ſecond; "*Balbus*, *Hirtius*, and *Panſa* "are here with me: *Octavius* is juſt arrived, "and into the neighbouring villa of his Father "*Philippus*; intirely at my devotion [3]."

In the third, dated April the 22d; "*Octavius*, "who is ſtill with us, treats me with the greateſt "reſpect and friendſhip; his domeſtics give him "the name of *Cæſar*; *Philippus* does not; nor "for that reaſon do I. I think it impoſſible for "him to make a good Citizen; there are ſo "many about him, who threaten the death of "our friends, and declare, that what they have "done, cannot be forgiven. What will be the "caſe, think you, when the boy comes to *Rome*,

[1] Et ſane ex quo *Octavius Neapolim* primus venit, *Cicero* juvenis amplectendi mira cupiditate ferebatur, & ut *Plutarchus* dicit, τὰ τῦ Καίσαρος ἔπραττε. Ib. p. 199.

[2] Ep. ad Att. xiv. 10.

[3] Ibid. 11.

"where

" where our deliverers cannot appear with ſafe-
" ty? Who yet muſt ever be famous, nay
" happy too, in the conſciouſneſs of their act;
" but as for us, if I be not deceived, we ſhall be
" undone. I long therefore to go abroad, where
" I may hear no more of theſe *Pelopidæ*, &c. [1]."

This is all that paſſed between *Cicero* and *Octavius* while he continued in the country, at his Father *Philippus's* villa. But he ſoon went to *Rome*, to purſue his claim to *Cæſar's* eſtate, as his heir and adopted ſon: and to entertain the people with ſhews and plays, which *Cæſar* himſelf had promiſed, and prepared to give in his life time, upon the completion of all his victories. At *Rome*, *Octavius* made a ſpeech to the people from the *Roſtra*; where he ſeems to have been produced by *Antony's* Brother, *Lucius*, one of the Tribuns [2]. This ſpeech was ſent to *Cicero*, who ſays, *that he had the ſame opinion of it with Atticus*; which was no advantageous one; ſince, in the ſame letter, he declares himſelf diſpleaſed with *Octavius's ſhews, and with his friends Matius, and Poſtumius, for undertaking the care of them* [3]: and in another letter, applauds the Tribuns, for ordering *Cæſar's golden chair* to be removed out of the Theatre, where *Octavius* ſeems to have placed it; and the Knights alſo, for expreſſing their approbation of that

[1] Ep. ad Att. xiv. 12.

[2] Ibid. 20.

[3] De *Octavii* concione idem ſentio, quod tu, & *Matius* & *Poſtumius* mihi procuratores non placent. Ad Att. xv. 2.

act,

act, by some general clap [1]. This happened about the middle of May; and towards the end of it, while *Antony* and *Octavius* were quarrelling at *Rome*, about the possession of *Cæsar's* estate, *Cicero* writing again to *Atticus*, says;

"*Octavianus*, as I clearly saw, has parts "and courage enough; and seems likely to be "affected, as we could wish, towards our He- "roes: but how far we may trust his age, "name, succession, education, is a matter of "great deliberation. His Father-in-law, whom "I saw at *Astura*, thinks, not at all. He must "be cherished however, if for nothing else, yet "to keep him at a distance from *Antony*. *Mar-* "*cellus* acts nobly, if he instills into him a good "disposition towards our friends. He seemed "to be much influenced by him; but to have "no confidence in *Pansa* and *Hirtius*: his natu- "ral temper is good, if it does but hold [2]."

Now this is the whole, that *Cicero* either transacted, or declared, or thought of *Octavius*, *before Brutus left Italy*, as it manifestly appears from the letters to *Atticus*: which is so far from shewing that *inconsiderate rashness*, *and marvellous eagerness*, with which our Critic charges him, that it shews just the contrary; the utmost caution and reserve; and such a distrust of *Octavius*, as neither the greatest civilities on

[1] De *Sella Cæsaris* bene Tribuni, præclaros etiam xiv. ordines. Ibid. 3.

[2] Ep. ad Attic. xv. 12.

Octavius's

Octavius's part, nor the good opinion which *Cicero* had conceived of his capacity could over-rule.

Nor had *Cicero* indeed as yet broken all measures with *Antony*; for though he ſtrongly diſliked and ſuſpected his proceedings, yet for ſeveral prudential reaſons, he choſe to keep up a ſhew of friendſhip and fair correſpondence with him; and had undertaken at this very time, to ſollicit him in perſon on the behalf of *Atticus*, in an affair, which *Atticus* had much at heart [1]. *Antony* likewiſe obſerved the ſame forms of civility on his part; and wrote in very complaiſant terms to *Cicero*, *to deſire his conſent to the reſtoration of S. Clodius from exil* [2]: and upon ſome alarm, given afterwards to the friends of liberty, on the account of a diviſion of lands in *Italy* to *Antony's* Soldiers, *Antony's* Brother, *Lucius*, wrote particularly to *Cicero*, to free him from any apprehenſions on that head [3].

Cicero however was ſo little pleaſed, either with *Antony* or *Octavius*, or with any thing indeed, that was now going forward in *Italy*, that, inſtead of any eagerneſs to embrace *Octavius* at this time, he took a reſolution of making a voyage to *Greece*, and of reſiding with his Son at *Athens*, till *Hirtius* and *Panſa* ſhould enter

[1] De Buthortio negotio, utinam quidem *Antonium* conveniam: multum quidem proficiam. Ad Att. xiv. 17. it. xv. 1, 2.

[2] Ep. ad Att. xiv. 13.

[3] L. quidem *Antonius* liberaliter litteris ſine cura me eſſet jubet. Ib. xv. 12.

upon the Conſulſhip on the firſt day of the next year; on whoſe adminiſtration he had now placed all his hopes. In the beginning therefore of *July*, he ſet forward upon this voyage, and purſued it as far as *Sicily*; but being driven back by contrary winds to *Rhegium*, and meeting there with ſome freſh intelligence from *Rome*, of an unexpected turn of affairs, and a change of diſpoſition in *Antony* to meaſures of peace, and ſubmiſſion to the Senate, he dropt all farther thoughts of the voyage, and turned back towards *Rome*, to aſſiſt with his authority in bringing about ſo deſirable an end. But upon his arrival there, finding his hopes fruſtrated, and that *Antony* was aiming at nothing leſs than a Tyranny, and the Subverſion of the Republic, he ſpoke his firſt *Philippic*, on *the 2d of September*, which gave the beginning to that inexpiable quarrel, which ſoon after enſued between him and *Antony* [1].

Brutus in the mean while left *Italy*; and could have no reaſon therefore before his departure, to blame *Cicero*, on the account of *Octavius*; ſince at that time, *Cicero* had not taken any ſtep in favor of him, nor, in all probability, had ſo much as ſeen him, from the time of their firſt interview: and as *Brutus* had no reaſon to complain of *Cicero*, during his ſtay in *Italy*, ſo it is evident from the ſame letters to *Atticus*, that in fact, he did not complain of him, either on the

[1] See the life of Cicero, vol. ii. p. 309—315, &c.

account

account of *Octavius*, or any other account whatſoever. For during this interval, from the arrival of *Octavius*, to the departure of *Brutus*, there was a continual exchange of letters and meſſages between *Cicero* and *Brutus*, of which frequent mention is made in the Epiſtles to *Atticus* [1]. In one of which Epiſtles, *I am glad*, ſays *Cicero*, *that my letters to Brutus and Caſſius were agreeable to them* [2]: and in another; *Oh! how affectionate was Brutus's letter to me* [3]? Whence we may collect, that *Brutus*, who uſed generally to be rough and haughty in his letters, was now particularly complaiſant, from a juſt ſenſe of *Cicero's* zeal and ſervices to him. Nay, he appears to have been ſo cautious at this time of offending *Cicero* in any degree, that though he ſtrongly diſliked his *voyage to Greece*, yet he reſolved to be ſilent on that ſubject, and would not drop a ſyllable, either to diſcourage or diſſuade it, from an unwillingneſs to preſs him, to any thing diſagreeable [4].

But beſides a conſtant intercourſe of letters, they had many perſonal conferences within the ſame interval, and chiefly at *Brutus's* deſire; which all paſſed with the greateſt affection and

[1] Epiſt. ad Att l. xiv. 18, 19, 20. l. xv. 1, 4, 5, 10, 23, 26, 29, &c.

[2] Gratas fuiſſe meas litteras *Bruto* & *Caſſio* gaudeo, itaque iis reſcripſi. Ad Att. xiv. 20.

[3] O *Bruti* amanter ſcriptas litteras! Ibid. xv. 10.

[4] *Brutus*—effuditilla omnia, quæ tacuerat; ut recordarer illud tuum; *nam Brutus noſter ſilet*. Ib. xvi. 7.

harmony. *Cicero* ſaw him at *Lanuvium* [1]; again at *Antium* [2]; afterwards in *Neſis*, a little Iſle on the Campanian coaſt, where he converſed with him many days ſucceſſively [3]; and laſtly at *Velia*, as he came back from his *Grecian* voyage: where *Brutus* no ſooner heard of his arrival, than *he came three miles on foot* to embrace him; expreſſed the utmoſt joy at his return; and told him in the kindeſt manner, what he did not care to mention to him before, that by dropping the purſuit of the voyage he had eſcaped two imputations on his character; the one, *of too haſty a deſpair and deſertion of the common cauſe*; the other, *of the vanity of going to ſee the Olympic games* [4]: but in none of theſe conferences, was there the leaſt hint of any expoſtulation, or ill humor, with regard to *Octavius*.

The interview at *Velia* was the laſt which *Cicero* ever had with *Brutus*, on the 17th of Auguſt [5]: when he left him prepared and ready to ſail with his fleet towards *Greece*; as he undoubtedly did within a few days after. For he had already ſtaid longer, than his friends thought adviſeable; waiting ſtill to ſee, *whether chance might not produce ſomething in his favor at Rome*; eſpecially *upon the occaſion of the ſhews*, which he had lately exhibited there, with the univerſal applauſe of the people [6].

[1] Ad Att. xv. 20.
[2] Ib. xv. 11.
[3] Ib. xvi. 1, 2, 4, 5.
[4] Ib. xvi 7.
[5] Nam xvi Kal. Sept. cum veniſſem *Veliam*. Ibid.
[6] Illud mihi ſubmoleſtum

Now

Now this is the whole ſtate of *Cicero's* conduct towards *Octavius*, during the time of *Brutus's ſtay in Italy*. As to what paſſed afterwards, ſince it does not relate to our preſent argument, I ſhall refer the reader to *my Life of Cicero*; where he will find, that, notwithſtanding the moſt preſſing inſtances of *Octavius*, by daily letters and meſſages, to engage *Cicero* to aſſiſt him againſt their common enemy, *Antony*; yet *Cicero* ſtill held off, and expreſſed the ſame diffidence as before, till the exigencies of the Republic, and the immediate ruin threatened to it by *Antony*, made their union neceſſary. To which *Cicero* would not conſent even at the laſt, but upon the expreſs condition, that *Octavius ſhould engage himſelf to be a friend to Brutus and his accomplices*; *and as a proof of his ſincerity*, *ſhould ſuffer Caſca*, *who gave the firſt blow to Cæſar*, *to enter quietly into the Tribunate*, to which he had been nominated by *Cæſar* [1]; which *Octavius* readily a-

quod parum *Brutus* properare videtur. Primum confectorum ludorum nuncios expectat. Ibid. xvi. 4.

Exiſtimabam μετωρότερον eſſe; & hercule erat; & maxime de ludis. At mihi, cum ad villam rediiſſem, *Cn. Lucceius*, qui multum utitur *Bruto*, narravit, illum valde morari non tergiverſantem, ſed expectantem, ſi qui forte caſus. Ibid. xvi. 5.

[1] Sed, ut ſcribis, certiſſimum eſſe video diſcrimen, *Caſcæ* noſtri Tribunatum. De quo quidem ipſo dixi *Oppio*, cum me hortaretur, ut adoleſcentem, totamque cauſſam, manumque veteranorum complecterer, me nullo modo facere poſſe, ni mihi exploratum eſſet, eum non modo non inimicum Tyrannoctonis, verum etiam amicum fore. Cum ille diceret, ita futurum.

greed to, and permitted accordingly, on *the 10th of December:* and in conſequence of that agreement, *Cicero*, on *the 19th* of the ſame month, firſt recommended him to the Senate, and to the people, in a diſtinct ſpeech to each [1]; and on *the firſt of January*, procured a decree, to inveſt him with the legal command of his troops; together with the rank and enſigns of a Prætor [2]. Theſe were the firſt public meaſures, that *Cicero* entered into with relation to *Octavius*; and the foundation of what *Brutus* took occaſion to reproach him with many months after. For, as I have ſhewn in the Life of *Cicero*, he never began to complain of him, till after *Antony's defeat at Modena*, and *the death of the two Conſuls*; which was an accident, that *Cicero* could neither foreſee nor provide for; and was the ſole reaſon of throwing all that power into *Octavius's* hands, by which he was enabled to deſtroy the Republic [3]. And this fact is not only declared in theſe ſuſpected letters, but is intimated likewiſe in the letters, which *Plutarch* had ſeen, and in one of the very paſſages, which our Critic has produced; as he might eaſily have obſerved, if he had come to it without prejudice:

Quid igitur feſtinamus? inquam. Illi enim mea opera ante Kalendas Januarias nihil opus eſt. Nos autem ejus voluntatem ante *Idus Decemb.* perſpiciemus in *Caſca*. Mihi valde aſſenſus eſt. Ad Att. xvi. 15.

[1] Theſe were his 3d and 4th *Philippic* Orations.

[2] See his 5th *Philippic*.

[3] See the Life of Cicero, vol. ii. p. 432.

for

for *Brutus*, in his reproof of *Cicero*, plainly ſuppoſes, that *Cicero* had already *got the better of Antony*, and *diſpoſſeſſed him of his Tyranny*, yet, by his management, *was raiſing up Octavius into his place, and making him the Tyrant in Antony's ſtead* [1].

But if this hint be not ſufficient to ſatisfy our Critic, I can give him another from the ſame *Plutarch*, and the ſame Life of *Brutus*, which is a clear comment upon it, and marks out the preciſe time, when *Brutus* firſt conceived his apprehenſions of *Octavius's power*, and began conſequently *to expoſtulate with Cicero*, by whoſe help he had been advanced to it. For *Plutarch*, after a brief detail of *Brutus's* ſucceſs and exploits in *Macedonia*, tells us, "that when he "was preparing to go from thence into *Aſia*, "he received the news of the change of their "affairs at *Rome:* where young *Octavius*, who "had hitherto been cheriſhed and ſupported by "the Senate in oppoſition to *Antony*, having "now driven *Antony out of Italy*, was become "formidable himſelf. For he laid claim to the "Conſulſhip, in defiance of the laws; and "kept about him great armies, which the "City did not want [2]." Thus I have ſhewn, in contradiction to our Critic's declared perſuaſion, and by that very authority, on which he lays ſo great a ſtreſs, that *Brutus's real letters*, as

[1] Τὸν δὲ Ἀντώνιον ἐκβαλεῖν τῆς τυραννίδος μᾶλλον ἀὐτῷ, τὸν Καίσαρα καθαρῆναι τύραννον. Plut. in Brut. p. 991.

[2] Plut. in Brut. p. 996.

it is expreſly delivered in *theſe ſuſpected ones*, were written from *Macedonia*, ſome time after the battle of *Modena*; and many months after *Brutus* himſelf had left *Italy*.

I cannot diſmiſs this argument, without taking notice of a cenſure, that our Critic here throws out, upon the uſe of a teſtimony, which I had produced, to ſhew *Cicero's* ſtrong ſuſpicions of *Octavius*, even *after Brutus's departure out of Italy*. It is taken from a letter to *Atticus*, where *Cicero* ſays; as to what you wrote, *I warmly aſſent to you, that if ever Octavianus acquires any great power, the Tyrant's acts will be more ſtrongly enforced, than they were in the Temple of Tellus; and that will be all againſt Brutus*, &c [1]. Now can any opinion be more explicitely declared, than this is declared here to be *Cicero's?* But *Atticus*, it ſeems, had ſignified it before to be his; and if twenty people had ſignified the ſame, it would be *Cicero's* no leſs, for all that; whoſe opinion was the only one, that had any relation to my ſubject. Yet our Critic plainly charges me, with a miſapplication of this teſtimony, in aſcribing a ſentiment to *Cicero*, which really belonged to *Atticus* [2]: and it is by ſuch quibbles as theſe, that he attempts moſt commonly

[1] Valde tibi aſſentior, ſi multum poſſit *Octavianus*, multo firmius acta Tyranni comprobatum iri, quam in *Telluris*. Atque id contra *Brutum* fore. Ad Att. xvi. 14.

[2] Nuperrime ita ſcripſerat *Atticus*, quæ tamen *Ciceroni* attribuis. Tunſt. Epiſt. p. 198.

through

through his whole Epiſtle, to combat clear facts and direct proofs.

He procedes next, to the examination of the Epiſtles themſelves, and begins with *Brutus's* Epiſtle to *Atticus*, which he allows *really to be a fine one* [1]: but after a ſmall cavil or two by way of prelude, he diſcovers in it two contradictions to true hiſtory; the firſt is this; that *Cicero* is there accuſed *of cenſuring the act of killing Cæſar, and of reproaching Caſca for it, as an aſſaſſin:* whereas *the genuin Cicero conſtantly applauded that act, and had a particular friendſhip likewiſe with Caſca* [2]. But of this I have given ſome account already in the Life of *Cicero*; and ſhall add ſomething more in my notes on the Epiſtle itſelf; to which therefore I muſt refer the reader [3].

The ſecond contradiction is grounded on a hint, that *Brutus* drops in the end of the letter, concerning *certain conditions* offered to *Atticus's* daughter, which he interprets, with *Manutius, of the conditions of a marriage*; and then declares, that *Attica was but ſeven years old at this time* [4], *and could not therefore be ripe* for marriage; *being born*, he ſays, *when Cicero was Proconſul of Cilicia, whence he congratulated Atticus by letter*

[1] Venio ad Epiſtolas, atque ad illam imprimis ad *Atticum* ſane bellulam. Tunſt. Epiſt. p. 200. See Lett. 15.

[2] Ibid. 201, 202.

[3] See Life of Cic. v. ii. p. 487. Not. and Let. xv. Not. 3.

[4] Sed hoc tempore *Attica* ætatis annum ſeptimum paucis menſibus exceſſerat; nam, &c. Tunſt. Ep. p. 203.

upon

upon that birth, in the following words; *Filiolam tuam tibi jam Romæ jucundam esse gaudeo; eamque, quam nunquam vidi, tamen & amo, & amabilem esse certo scio* [1]: which I translate thus; *I am glad, that your little daughter is so good company to you now at Rome; and though I never saw her, yet I love her, and am very sure, that she is lovely.* In which words, though our Critic discovers the clear proof of *a birth, and a congratulation* upon it, yet I cannot see the least tittle of either; or the least probability, that they can admit any such interpretation.

Atticus had been married above five years [2]; and it is not credible, that *Cicero*, who was at his wedding, and particularly interested in every thing, that related to him, should pay so cold a compliment upon so joyful an occasion, as the birth of *a first child, after five years* of marriage. The case therefore was this, that the daughter, who was now probably four years old, had been nursed all that while in the country, for the greater care of her health, at a distance from *Rome*, whither she had been lately brought for the first time; which gave occasion to this little compliment: or otherwise why should *her being at Rome* be taken notice of; as if to be born there was of any consequence, or a circumstance worth mentioning in a congratulation of that sort? And this interpretation

[1] Ad Att. v. 19. Tunst. Ep. 203.
[2] See Life of Cic. vol. i. p. 450.

seems

ſeems to be demonſtrably confirmed by another letter, written a ſhort time after, from the ſame Province of *Cilicia*; in which *Cicero* ſays; *your little daughter is very obliging, in giving you ſo ſtrict a charge to pay her compliments to me* [1]. Which cannot be underſtood of a child, who was but *five months* old; yet ſo it muſt be underſtood, if our Critic's account be admitted, of the time of her birth.

I could produce more teſtimonies to the ſame purpoſe and from the ſame letters, if this was not ſufficient to ſhew his objection to be wholly groundleſs. But from the frequent diſcoveries of this ſort, with which he entertains us from the letters to *Atticus*, we may ſee, with what what reaſon he inſults me, for contenting myſelf with *the obvious and common ſenſe of them*, inſtead of ſearching always, like him, for *ſomething exquiſite and refined* [2].

As to the other Epiſtle of *Brutus* to *Cicero*, our Critic, after giving it the fineſt character, that can be given an Epiſtle, both for the art *of it's compoſition and gravity of it's ſentiments* [3], leaves it to us juſt as he found it, without any other reflexion than that it contains nothing

[1] Filiola tua gratum mihi fecit, quod tibi diligenter mandavit, ut mihi ſalutem aſcriberes, &c. Ad Att. vi. 1. p. 591.

[2] Hic ate, viro ingenioſo, exquiſitiora quædam expectavi, communia tamen invenio. Tunſt. Ep. p. 31.

[3] Jam illa altera Epiſtola omnes alias & compoſitionis artificio, & ſententiarum gravitate exſuperat, &c. Ib p. 203. Epiſt. xvii.

hiſtorical. Since this then is ſo perfect a piece, and ſo worthy conſequently of it's author, that he can neither find, nor invent an objection to it, we muſt neceſſarily claim it as genuin, whatever may become of the reſt. For an immemorial poſſeſſion, which no body controverts, will ſurely give us a right to hold this fine Epiſtle at leaſt, as an unqueſtionable monument of pure antiquity.

He proceeds to *Cicero's* celebrated letter, or apology for himſelf in anſwer to *Brutus*; where after ſome trifling exceptions to the character given of *Meſſala*, in which he diſcovers *the operoſe diligence of the Sophiſt*, he ſtarts an objection *of more weight*, as he calls it [1], becauſe *the ſuſpected Cicero* here praiſes *Meſſala*, for having ſtudied and acquired *the beſt manner of ſpeaking*; whereas there had been a diſpute, he tells us, between *the true Cicero and Brutus*, about *that beſt manner, which the Sophiſt muſt needs have been ignorant of, or he would never have touched upon that topic.* It is hard to conceive, what it is that he means by this objection; or what weight he can ſuppoſe it to have, towards overthrowing the credit of the letter. If he imagines, that *Brutus* would have been affronted by *Cicero's* mention of *the beſt manner*, becauſe they had each a different idea of it; or that he would have thought the worſe of *Meſſala*, for

[1] Quis hic non videt operoſam Sophiſtæ diligentiam? quod autem majus eſt, &c. Tunſt. Ep. cciv. See Lett. xxi.

ſtudying

ſtudying that manner, which *Cicero* recommended; he judges very weakly of thoſe great men: for notwithſtanding their different notions of the *moſt perfect eloquence, or manner of ſpeaking*, *Brutus* certainly allowed *Cicero* to be the beſt Speaker of his age: and it was at his deſire, and for his information, that *Cicero* drew up thoſe Oratorial pieces, in which he illuſtrates his own idea of the moſt perfect way of ſpeaking, and lays down rules for the attainment of it: as this then is a cavil of no force or ſenſe, I ſhall drop it where I found it, and paſs on to the reſt.

He next obſerves, that this letter ſuppoſes *M. Brutus to be the author of ſaving Antony's life, when Cæſar was killed*; which he declares to be contrary to true hiſtory, ſince *Decimus Brutus*, as he undertakes to prove, was *the ſole adviſer of that ſtep:* and to make us ſenſible, what an extraordinary exploit he is going to perform; by correcting an inveterate error of all the old Hiſtorians; he firſt produces two *famous* teſtimonies, as he calls them, from *Plutarch* and *Appian*, which expreſsly aſcribe that counſel to *M. Brutus* [1]: upon which he declares, with his uſual gayety, *that it could not be expected from the Sophiſt, that he ſhould be wiſer, than the Hiſtorians, who led him into that miſtake* [2].

[1] Inſignia in hanc ſententiam ſunt verba Plutarchi —in Brut. 992. it. in Anton. 921. & Appian. p. 499. ibid. 206. in Notis.

[2] A *Cicerone* nimirum perſonato requirendum non erat, ut plus iis, quos ſequeretur Hiſtoricis, ſaperet. Tunſt. Ep. p. 206.

This

This is a ſtrange turn indeed! the Sophiſt muſt be excuſed, and the whole blame thrown upon *Plutarch:* and after he has been fighting ſo ſtrenuouſly for *Plutarch's authority*, yet now, when he has no occaſion for it, he treats it, we ſee, as a mere *ignis fatuus*, that ſerves onely to lead people out of the way.

He promiſes however to make good this point, by the teſtimony of *Cicero* himſelf; and for that purpoſe alledges two paſſages from the letters to *Atticus*; where *Cicero* complaining of the miſery of the times, after *Cæſar's* death, and how much they endured, and were like to endure from *Antony*, ſays, *the fault of all this lies upon one of the Brutus's* [1]. And in another letter, *the whole blame of this belongs to Brutus* [2]. Thus far then we are agreed; that from the evidence of theſe paſſages, the blame muſt certainly reſt upon *one of the Brutus's:* but before we go farther, let us pauſe a while, and conſider, on which ſide the probability lies.

In the firſt place, wherever *Cicero*, in his letters to *Atticus*, mentions *Brutus* abſolutely, or without a prænomen, we may take it for granted, that he means *Marcus*; ſince there is not, I believe, a ſingle inſtance to the contrary, except where *Decimus* is ſo marked out by the context, that we cannot poſſibly miſtake him: and in the ſecond teſtimony, it is manifeſt, that

[1] Ad Att. l. xv. 12. [2] Ib. 20. Hæc omnis culpa Bruti.

he

he could not mean any body but *Marcus*; for within a line or two after, ſpeaking ſtill of *the ſame Brutus*, he declares him *to be leaving Italy quickly* [1]; which determines it to *Marcus*. Beſides, if we reflect on the different characters of *the two Brutus's*, we ſhould be apt to conclude at once, that it muſt needs be *Marcus*, whoſe authority was able to bring over *Caſſius*, and ſixty more brave men to his ſingle opinion. But if *Cicero* had onely left the thing indifferent, and in common; yet *Plutarch's* poſitive and repeated teſtimony, confirmed not onely by *Appian*, but by a better Author than them both, *Paterculus*, who had long before affirmed the ſame thing of *Marcus* [2], would naturally make us look upon the fact as certain, and the queſtion decided. Yet all this ſignifies nothing to our Critic, who procedes boldly, by a third teſtimony, to fix the whole blame at laſt upon *Decimus*.

This third teſtimony is drawn from another letter to *Atticus*; where *Cicero*, giving an account of the conference which he had at *Antium*, with *Brutus* and *Caſſius*, concerning the meaſures, which they ought to purſue, ſays; that *after much diſcourſe on that ſubject*, *the company*

[1] Properemus igitur. Sed juva me conſilio, *Brundiſione* an *Puteolis*. *Brutus* quidem ſubito: ſed ſapienter, &c. Ad Att. xv. 20.

[2] Cum Conſul *Antonius* (quem cum ſimul interimendum cenſuiſſet *Caſſius*) — *Brutus* repugnaverat; dictitans, nihil amplius civibus præter Tyranni — petendum eſſe ſanguinem. l. ii. 58.

began

began to lament their paſt miſtakes, and Caſſius above all, warmly complained, that they had loſt their opportunities, and blamed Decimus ſeverely on that account [1]. Now our Critic, who never loſes ſight of his Hypotheſis, declares this *loſs of opportunities*, charged upon *Decimus*, to mean nothing elſe, but *the omiſſion of killing Antony* [2]; and this is his conſtant way of ſupporting his diſcoveries; by multiplying conjectures, inſtead of teſtimonies, and proving one Hypotheſis by another. For there were many other opportunities, which they loſt, after *Cæſar's* death, that *Cicero* preſſed them to lay hold of, and for the omiſſion of which he frequenly reproved them: *that they did not ſummon the Senate into the Capitol, on that firſt day; and during the conſternation of their enemies, ſeize the whole Republic into their hands; and procede to ſome vigorous decrees for the eſtabliſhment of the public liberty* [3]. And when by the neglect of that advice they were driven ſoon after out of *Rome*; they loſt the opportunity of retrieving their firſt error, by reſolving to live quiet and retired, ſo as to give no pretext for war; diſ-

[1] Multo inde, ſermone querebantur, atque id quidem *Caſſius* maxime, amiſſas occaſiones; *Decimumque* graviter accuſabat. Ad Att. xv. 11.

[2] Tunſt. Ep. p. 207.

[3] Meminiſti me clamare, illo ipſo primo die Capitolino, Senatum, in Capitolium a Prætoribus vocari? Dii immortales, quæ tum opera effici potuerunt, lætantibus omnibus bonis—fractis latronibus?—Ad Att. xiv. 10.

Illam Seſſionem Capitolinam mihi non placuiſſe, tu teſtis es, &c. Ib. 14.

miſſing

miſſing the concourſe of their friends, who flocked about them, and rejecting the aſſiſtance of all *Italy*, which was eager to arm itſelf in their cauſe.

Theſe were the loſt opportunities which *Caſſius* lamented, and charged to the account of *Decimus:* who, when *Brutus* and *Caſſius* had withdrawn themſelves from *Rome*, on account of the tumults, occaſioned by *Cæſar's funeral*, continued ſtill privately in the City, to negotiate with *Antony*, by the mediation of *Hirtius*, ſome meaſures for their common ſafety. Whence he acquaints them with what he had been tranſacting, in the following letter; which I have choſen to inſert, as it gives ſome light, not onely to the preſent queſtion, but to others alſo, which may fall in our way, in the progreſs of this diſpute.

D. Brutus *to* Brutus *and* Caſſius.

" Obſerve what a ſituation we are now in. " Yeſterday in the evening, *Hirtius* was with " me and plainly told me, in what a diſpoſi- " tion *Antony* was; namely, the worſt and moſt " treacherous: for he ſaid, that he could nei- " ther grant me the Province; nor believed, " that any of us could be ſafe in *Rome*, where " the ſoldiers and the populace where ſo much " irritated againſt us: both which, I imagine, " you perceive to be falſe; as well as that it is " true, what *Hirtius* declared; that he is afraid,

" leſt, if we ſhould acquire any little acceſſion
" of dignity, no ſhare of the public adminiſ-
" tration would be left for any of them. Un-
" der theſe difficulties I thought it beſt, to de-
" mand an honorary legation for myſelf, and
" the reſt of our friends; that we might have
" a decent pretext for going abroad. This he
" undertook to procure: but I am confident,
" he will not be able to procure it; ſuch is the
" inſolence of people, and ſuch their malice
" towards us: and ſhould they grant us even
" what we aſk, I am yet of opinion, that, pre-
" ſently after, we ſhould either be declared to
" be enemies, or interdicted from water and
" fire. What is it then, you will ſay, that I
" would adviſe? We ſhould yield a while, I
" think, to fortune; retreat out of *Italy*; re-
" move to *Rhodes*, or any other part of the
" earth. If things ſhould turn out in our favor,
" we will come back to *Rome*; if they afford but
" an indifferent proſpect, we will live in exil; but
" if the worſt ſhould happen, we will betake
" ourſelves to the laſt remedy. But ſome of
" you perhaps may here object: why ſhould
" we wait for the laſt extremity, rather than
" attempt ſomething at the preſent? Becauſe
" we have no place as yet, where to make a
" ſtand; except with *S. Pompeius*, or *Baſſus*
" *Cæcilius*; who, upon the news of *Cæſar's*
" death, ſeem likely to grow ſtronger: and it
" will be time enough for us to go to them,
" when we know for certain, what ſtrength they
" have.

" have. If you would have me undertake for " any thing, on the part of *Caſſius* and you, I " will engage my word for you: for this is " what *Hirtius* requires me to do. I beg of " you to ſend me an anſwer as ſoon as poſſible: " for I make no doubt, but that *Hirtius* will " let me know, before ten o' clock, in what " place we may meet together again upon theſe " affairs. Send me word alſo, whither you " would have me come to you. After the laſt " conference with *Hirtius*, I took a reſolution " to demand, that we might be allowed to ſtay " in *Rome*, with a public guard: which I do " not think they will grant us; ſince our pre- " ſence will draw a great odium upon them: " I thought it my buſineſs however, to demand " every thing, which I took to be equita- " ble [1]."

From this letter it appears, what it was, that *Decimus* adviſed *Brutus* and *Caſſius* to do after *Cæſar's* death. *To ſit ſtill for the preſent, and to attempt nothing vigorous; but to retire even out of Italy, and expect what chance might offer to them:* and it ſeems probable, that in the next conference with *Hirtius*, he actually engaged his word for them, that they ſhould undertake nothing againſt the public quiet, but live retired, at a diſtance from *Rome*; on the condition of a promiſe from *Antony*, that he would enſure their ſafety, and calm the diſorders of the City, and reſtore peace to the Republic. For this

[1] Epiſt. Fam. xi. 1.

was the conduct, which they actually purſued; and which they profeſſed to purſue, *by Antony's advice, and from a dependence upon his promiſes* [1]: and it was likewiſe, what *Hirtius* particularly required from them, and *inſiſted with Cicero, that they ſhould continue to purſue* [2]: and ſoon after the time of this letter, *Brutus* and *Caſſius* had a perſonal conference with *Antony*, which ſeems to have paſſed to mutual ſatisfaction, and where this ſame agreement was probably confirmed [3].

Here then we ſee a clear and conſiſtent ſtory, poſitively atteſted by three ancient Hiſtorians, that *M. Brutus*, and not *Decimus*, was the author *of ſaving Antony*. But what is moſt remarkable, the ſame fact is confirmed by *Cicero* himſelf, and in that very letter, which our Critic has alledged to confute it: where *Cicero*, in relating the particulars of his conference with *Brutus* and *Caſſius*, ſays, "that when he entered upon the "mention, of what they ought to have done, he

[1] Sed certe, cum ipſi in tua poteſtate fuerimus, tuoque adducti conſilio dimiſerimus ex municipiis noſtros neceſſarios --- Nos ab initio ſpectaſſe otium, nec quidquam aliud libertate communi quæſiſſe, exitus declarat. Fallere nemo nos poteſt niſi tu---tibi enim uni credidimus, & crediturí ſumus, &c. Ib. xi. 2.

[2] *Brutus* & *Caſſius* utinam---ne quod calidius ineant conſilium.---Retine, obſecro te, *Cicero*, illos---tantum, ſi quid timent, caveant. Nihil præterea moliantur. Ad Att. xv. 6. Epiſt. Hirtii ad Cicer.

[3] *Antonii* colloquium cum heroibus noſtris pro re nata non incommodum. Ad Att. xiv. 6.

"took

" took care, not to touch upon that point, *that* " *ſome body elſe ſhould have been killed as well as* " *Cæſar*; but choſe to ſay only, what all the " world ſaid at that time, that they ought to " have ſummoned the Senate into the Capitol, " and taken the advantage of the zeal of the " people, *&c* [1]." Theſe were the loſt opportunities, that *Caſſius* lamented, and charged to the account of *Decimus*, who was abſent: for *Cicero's* caution, about touching on the affair *of ſaving Antony*, could not flow from any other motive, but his reſpect to *M. Brutus*, the author of it, who was preſent: and for the ſame reaſon *Caſſius* alſo, who lived in a perfect union with him, would not touch upon ſo tender a point, which muſt needs have made him uneaſy; eſpecially when *Brutus's* mother, *Servilia*, and his wife, *Porcia*, and his ſiſter *Tertia*, *Caſſius's* wife, were a part of the company.

But our Critic refers us on this occaſion to Mr. *Mongault's* authority and comment upon the place [2], whoſe words are theſe; " *Pater-* " *culus* tells us, that it was *Caſſius's* advice to " kill *Antony*, together with *Cæſar*, and that " *Decimus Brutus* oppoſed it. *Plutarch* and *Ap-* " *pian*, who uſually copy him, ſay, that it was

[1] Cumque ingreſſus eſſem dicere quid oportuiſſet; nec vero quidquam novi, ſed ea quæ quotidie omnes; nec tamen illum locum attingere! *quenquam præterea oportuiſſe tangi*, ſed Senatum vocari, populum ardentem ſtudio vehementius incitari, &c. Ad Att. xv. 11.

[2] Tunſt. Ep. p. 207. Not.

" *M. Brutus:* but there is reaſon to judge from " this paſſage, that it was *Decimus:* and the ra- " ther, becauſe this laſt had ſerved a long time " with *Antony* under *Cæſar* [1]." Mr. *Mongault*, we ſee, builds his interpretation upon the teſtimony of *Paterculus*: in which he happens to be wholly miſtaken; ſince *Paterculus*, as I have already ſhewn, directly affirms the contrary; that it was *M. Brutus, and not Decimus, who over-ruled the Deſign of killing Antony* [2]. Mr. *Mongault* was drawn inadvertently into this miſtake by two eminent Commentators, *Boſius* and *Popma*, who had declared the ſame before him [3]: which ſhews what little dependence ought to be placed in queſtions of this ſort, on ſecond-hand teſtimonies, without recurring to the originals. But from this unlucky reference to Mr. *Mongault*, we plainly ſee, that our Critic's great attempt, *to correct the falſe tradition of antiquity*, was grounded at laſt on nothing elſe, but a groſs and palpable error [4].

[1] Mongault. Remar. 5. in Ep. ad Att. xv. 11.

[2] Quo anno id patravere facinus, *Brutus & C. Caſſius*, prætores erant; *D. Brutus* conſul deſignatus. Hi---ſtipati gladiatorum *D. Bruti* manu, Capitolium occupavere; cum Conſul *Antonius* (quem cum ſimul interimendum cenſuiſſent *Caſſius* --- *Brutus* repugnaverat; dictitans, nihil amplius civibus, præter Tyranni--- petendum eſſe ſanguinem, &c.) Vell. Pat. l. ii. c. 58.

[3] Vid. Notas Boſii & Popmæ in Epiſt. ad Attic. l. xv. 12. Edit. Græv.

[4] This uſe of Mr. *Mongault's* teſtimony ſeems to betray no ſmall diſingenuity in our Critic; and would make us apt to ſuſpect, that he is

He produces another imaginary contradiction, between the true *Cicero* and the author of this letter, who says, *when I saw the City in the hands of Traitors, oppressed by the arms of Antony, and that neither you nor Cassius could be safe in it, I thought it time for me to quit it too.* This plainly implies, he says, *that Cicero did not leave Rome, till Brutus had first left it*, whereas it is certain, *that he quitted it immediately after the meeting of the Senate in the Temple of Tellus, and that Brutus and Cassius staid in it some time longer* [1]; for the proof of which he refers us to four of *Cicero's* letters to *Atticus* [2]. Now the meeting of the Senate in that Temple was on *the 17th of March* [3]; and from the letters to

more solicitous to establish an Hypothesis, than the Truth. He had undertaken to prove, that *D. Brutus was the adviser of saving Antony's life.* Mr. *Mongault* had declared himself of the same opinion, but upon the mistaken authority of *Paterculus*, who in reality declares the contrary. Our Critic in all probability must have seen that mistake, yet thought fit to dissemble it; because the confession of it would have overthrown his own opinion, and Mr. *Mongault's* testimony at the same time; from which he might hope, however, to draw some advantage; imagining, as it generally happens in such cases, that few or none of his readers would take the pains to examine it.

[1] Aperte dicit, quod tute etiam intellexisti, se urbe excessisse postea quam *Brutus & Cassius* excessissent---statim post eum diem urbe excessisse eum---veræ ejus Epistolæ declarant. Tunst. p. 208.

[2] Ad Att. l. xiv. 1, 2, 3, 4.

[3] It was *the third day* after *the Ides*, when *Antony* summoned the Senate into this Temple, Phil. ii. 35. which was the Feast also of *Bacchus*, called *Liberalia*, on 16 Kal. April. Ad Att. xiv. 10.

which we are referred, it appears, that *Cicero* did not leave *Rome* till about the *5th* or *6th of April*, near three weeks later, than our Critic ſuppoſes him to have quitted it. But how does he prove that *Brutus* and *Caſſius* ſtaid in it all that while? Why becauſe *Cicero*, in a letter dated *April 11th*, ſays, that they were forced to hide their heads, or *to keep themſelves cloſe within their own walls* [1]: and in another, dated the *12th*, that *they had held a conference with Antony* [2]: neither of which implies, that they muſt neceſſarily be in the City: for whether they were in it, or in the near neighbourhood of it, in the one of which they undoubtedly were, they kept themſelves ſo cloſe, that none but their own domeſtics knew where they were: and it is moſt probable, that their conference with *Antony* was held out of the City, where they could hold it with more eaſe and ſafety, than in the midſt of the riots within. This however is certain, that neither *Cicero* nor *Brutus* went out of *Rome*, till after *Cæſar's* funeral, and the tumults that enſued upon it. *Plutarch* declares, that *Brutus* and his accomplices quitted it directly upon that very occaſion [3]; which is confirmed, as we have ſeen above by *Decimus's* letter: and *Cicero* mentions *Brutus* to have been ſeen near *Lanuvium*, before *the 14th of April* [4]. So that without any contradiction to what is ſaid in his

[1] Parietibus contineri. Ad Att. xiv. 5.

[2] Ad Att. vi.

[3] Plut. in Brut.

[4] *Brutum* noſtrum audio viſum ſub *Lanuvio*. Ib. vii.

genuin

genuin letters, *Cicero* might poſſibly ſtay in *Rome*, till *Brutus* retired out of it. But if *Brutus* after all had onely diſappeared, or kept himſelf cloſe within the City, for a few days before he left it, or had continued there in private, for a day or two after *Cicero* was gone, which is the utmoſt that can be pretended, it would be intirely conſiſtent with every thing, that is ſaid or implied about it in theſe ſuſpected letters.

He urges another objection of the ſame kind, drawn from theſe words, *you were retreating, Brutus, were retreating, I ſay; ſince your Stoics will not allow their wiſeman to fly.* Where *the Sophiſt*, he ſays, *fooliſhly blames Brutus's retreat out of Italy, which the true Cicero had adviſed* [1]. But by the ſame way of reaſoning, every caviller whoſe views do not reach to the whole of things, and who makes no allowance for different circumſtances, may find contradictions in any thing, that a man either ſays or does.

I have obſerved above, what is opened more at large in *my Life of Cicero*, that from the moment of *Cæſar's* death, *Cicero* conſtantly urged *Brutus* to vigorous meaſures, and not to truſt to *Antony*, *who would promiſe every thing and perform nothing*. *Brutus*, on the other hand, depending on the integrity of his cauſe, and having conceived ſome hopes of *Antony*, reſolved to procede calmly, and give no pretext on his part for war. When by this indolence he was driven out of *Rome*, he purſued the ſame reſolution,

[1] Tunſt. p. 209.

of

of living quiet and retired in the country. *Cicero* in the mean time, displeased to see him sit idle, while *Antony* was gathering an army about him, advised him and *Cassius*, in the conference above mentioned, instead of doing nothing at home, where their persons were exposed to danger, to accept a commission, which the Senate had provided for them, and to go abroad: where they would not only be safe, but might have an opportunity of securing some of the provinces and armies to their interests. But this advice also was rejected, and *Brutus* continued still inactive; waiting, as *Cicero* tells us, for some favorable turn of affairs at *Rome*; till finding his hopes disappointed, and his enemies grown too strong for him in *Italy*, he was forced at last to retreat, in order to try his fortune elsewhere.

With this Comment, the passage in question will be found consistent with every thing that is said by the *true Cicero*. The letter objected to, is an apology for *Cicero's* conduct, in answer to the exceptions of *Brutus*; wherein *Cicero* takes occasion to recapitulate the motives of all his measures, from the time of *Cæsar's* death; and puts *Brutus* in mind of what he had advised at that time, both to him and *Cassius*; and how by adhering to their own pacific maxims, in opposition to his advice, they had been forced to quit *Rome*, and afterwards *Italy* itself.

Nor is it yet, as our Critic imagines, the act *of quitting Italy*, that is censured at all in this place; for that was become necessary in *Brutus's*

present

preſent circumſtances; and as ſuch, is even commended by *the true Cicero* [1]; but it is *Brutus's* general conduct, which is blamed, for driving him to that neceſſity, *of flying out of Italy*, when by following *Cicero's* council, he might have been maſter of it. For it is certain, that *Cicero* never wiſhed or adviſed him to go abroad, till by his own fault he could no longer be ſafe at home [2].

But our Critic does not reflect, that by this very argument he makes *the true Cicero* not onely contradict the Sophiſt, but confute even himſelf; and by the ſame method therefore, may prove any other part of *Cicero's* works to be ſpurious, as eaſily as theſe letters. For *Cicero*, as I have ſhewn, often complains in his letters to *Atticus*, that *Brutus had loſt his Opportunities, and even ruined his cauſe by his indolence, in thoſe very firſt days of his reſidence in the Capitol* [3]. Yet the ſame *Cicero*, in a ſpeech to the Senate,

[1] *Brutus* quidem ſubito, ſed ſapienter. Ad Att. xv. 20.

[2] —Age, quieſcant auctoribus nobis? quis incolumitatem præſtet? [Ad Att. xv. 10.] Ego—ſuadere ut uteretur Aſiatica curatione frumenti: nihil eſſe jam reliqui, niſi ut ſalvos eſſe. In eo etiam ipſi Reip. eſſe præſidium—tuto enim non eris [Romæ.] Quid ſi poſſem eſſe? placeretne? atque ita, ut omnino neque nunc neque ex Prætura in provinciam ires. Ad Att. xi.

[3] Itane vero! hoc meus & tuus *Brutus* egit, ut Lanuvii eſſet?—meminiſti me clamare; illo ipſo primo Capitolino die, Senatum in Capitolium a Prætoribus vocari? Dii immortales! quæ tum opera effici potuerunt?--- liberalia tu accuſas, quid fieri tum potuit? jampridem perieramus. Ibid. xiv. 10.

applauds

applauds *that very indolence*, and *his retreat out of Italy, as a wonderful inſtance of his patience, moderation, and love of peace: whom no injuries could provoke to think of war, till he ſaw the Senate itſelf obliged to take arms* [1]. But with a proper allowance for different circumſtances, this will be found intirely conſiſtent; and both the one and the other perfectly agreeable to *Cicero's* character: firſt, to give the beſt advice to *Brutus* that he was able; and, if that was rejected, then to make the beſt conſtruction, and the beſt uſe of the meaſures, which *Brutus* choſe to purſue.

The next contradiction, urged againſt the ſame letter, is this, that whereas it tells us, *that Servius firſt moved the Senate, to grant Octavius the privilege, of ſuing for the public Magiſtracies before his regular time, and that Servilius alſo moved, to ſhorten that time*, yet it appears from *Cicero's genuin writings*, that he himſelf was *the firſt*, and *the onely one*, who made any ſuch motion [2].

It is declared, indeed, in one of *Cicero's Philippics*, that among the honors granted to *Octavius*, at *Cicero's* motion, it was decreed, *that he might ſue for the public Offices, as if he were then*

[1] Tantamne patientiam, Dii boni! tantam moderationem, tantam in injuria tranquillitatem & modeſtiam? &c. Phil. x. 3.

[2] *Cicero* tempore illo, quo imperium *Cæſari* decrevit, primo, eoque ipſo, ut verius dicam, ſpiritu, ſententiam dixit ipſe, non alienæ adſenſitus eſt. Tunſt. Ep. p. 211.

of

of Quæſtorian rank [1]. But how does it appear, that nobody but *Cicero* had ever made the ſame motion, either in that or any other meeting of the Senate? For as this was but a part, and the moſt inconſiderable one, of thoſe honors which *Cicero* decreed to him, ſo it may be preſumed, with regard to this particular article, that it had been propoſed before by *Servius*, and that *Servilius* might move ſtill, to carry it one ſtep farther, ſo as to have *Octavius* conſidered, as an *Ædilician*; and that *Cicero* might cloſe with his friend *Servius*, and then add the other greater honors; *the legal command of his army, with the rank and ornaments of a Prætor.* This ſolution is intimated by *Manutius* [2]; and may fairly be preſumed, I ſay, upon the credit of theſe letters; till it can be ſhewn to be either abſurd in itſelf, or flatly contradicted by a better authority. For otherwiſe, our Critic's argument is a mere *petitio principii*, which doubly begs the queſtion; firſt, in rejecting the fact, becauſe it is found in theſe ſuſpected letters, and then rejecting the letters, becauſe this ſuſpected fact is found in them.

He charges another inconſiſtency upon the eighteenth letter, which he diſcovers in theſe words; "as to *Cæſar*, who has been governed "hitherto by my advice, and is indeed of an

[1] Ejuſque rationem, quemcumque Magiſtratum appetet, ita haberi, ut haberi per leges liceret, ſi anno ſuperiore Quæſtor fuiſſet. *Phil.* v. 17.

[2] See *Manutius's* note upon the place.

"excellent

" excellent diſpoſition and admirable conſtancy;
" ſome people, by moſt wicked letters, meſſa-
" ges, and fallacious accounts of things, have
" puſhed him to an aſſured hope of the Conſul-
" ſhip: which, as ſoon as I perceived, I never
" ceaſed admoniſhing him in abſence, nor re-
" proaching his friends, who are preſent, and
" who ſeemed to encourage his ambition: nor
" did I ſcruple, to lay open the ſource of thoſe
" traiterous councils in the Senate [1]." Where he obſerves in the firſt place, that we have a quite different account of this affair from *Plutarch*; whoſe authority is again called to his aſſiſtance; though in the laſt inſtance, when it was expreſly on the ſide of theſe letters, he declared it to be of no other uſe, but to miſlead *a poor Sophiſt*. But now he tells us, that *though the Sophiſt appears to have ſeen what Plutarch ſays*, yet being reſolved to defend *Cicero*, he choſe to take no notice of it: and he thinks it certain likewiſe, " *that Cicero would*
" *never have called Octavius's attempt upon the*
" *Conſulſhip a moſt wicked one, or expoſed the*
" *ſource of it in the Senate, when he himſelf had*
" *decreed to him the honors above mentioned, and*
" *given him an aſſured proſpect of the Conſul-*
" *ſhip* [2]."

Cicero had decreed to *Octavius* the privilege of pretending to the public Magiſtracies, as if

[1] Tunſt. Ep. p. 212.

[2] *Cicero* certe conſilia illa, de Cæſaris petitione Conſulatus habita, ſceleratiſſima vix appellaſſet, &c. Tunſt. 213.

he

he had already been *a Quæſtor*: which gave him the ſtart by ten years, before all others of the ſame age: for he was now ſcarce *twenty years old*; and could not legally have obtained *the Quæſtorſhip*, till he was *thirty*. Yet this privilege left him ſtill at a great diſtance from the Conſulſhip: which he could not yet pretend to, till he had paſſed through *the Ædileſhip* or *Tribunate*, and after that, *the Prætorſhip*: all which, with the regular interval between each of them, would require about ten years more, before he could arrive at the Conſulſhip.

But our Critic, by the manner of puſhing his argument, ſeems to miſtake the matter, and to imagine, that by *the rank and enſigns of a Prætor*, decreed to him by *Cicero*, he was in effect to be conſidered as *a Prætor*, and had nothing left, but to demand the Conſulſhip at the next ſtep: whereas *his rank of Prætor* reached no farther, than to a mere precedency in the Senate; whilſt, in other reſpects, he was to be treated onely as *a Quæſtor*; and to paſs through all the higher offices in their turn. *Cicero* then might well be ſhocked, as every body elſe was; that a boy, not twenty years old, ſhould not be content with the extraordinary honors, already decreed to him, but in contempt of thoſe, who decreed them, reſolve at once to ſeize the Conſulſhip: ſince an ambition ſo extravagant, and ſo bold an inſult upon the laws, was not likely to ſtop there, but threatened the utmoſt danger to the liberty of the Republic.

He

He alledges another fact, as a farther ground of ſuſpicion upon theſe letters, that in letter the 11th, dated *the 15th of May*, *Brutus begins to expreſs his apprehenſions, that Octavius would make an attempt upon the Conſulſhip, before Octavius himſelf had given the leaſt indication of it* [1]. But why does he fancy, that *Octavius* had not given any intimation of ſuch a deſign? The Conſuls had been dead about a month; and all *Rome* was expecting who ſhould ſuccede them; where all people's eyes and thoughts would neceſſarily be turned upon *Octavius*, as the only perſon in *Italy*, who could impoſe what Conſuls he pleaſed: and who, by his refuſal *to purſue Antony*, or to take any farther ſtep againſt the declared enemies of the Republic, ſeemed to be forming ſome projects, which alarmed the friends of liberty; and in conſequence of which, he afterwards ſeized [2] the Conſulſhip in *Auguſt*. *D. Brutus*, we find, in a letter to *Cicero*, dated *May the 5th*, plainly intimates his apprehenſions on this very article [3]. Yet our Critic will not allow *M. Brutus* to be half ſo ſagacious as his name-ſake; or capable of apprehending what *Decimus* had

[1] Brutus enim——timet ſtatim (prius etiam, quam *Cæſar* ipſe ſuæ voluntatis indicium ullum ediderat) de Conſulatu, &c. Tunſt. Ep. 213.

[2] Sextilem menſem e ſuo cognomine nuncupavit —quia hoc ſibi & primus Conſulatus, &c. Sueton. in Aug. c. 31. Dio, p. 552.

[3] Quantam perturbationem rerum urbanarum afferat obitus Conſulum, *quantamque cupiditatem hominibus injiciat vacuitas*, te non fugit. Ep. Fam. xi. 10.

ſuſpected

ſuſpected about a fortnight before: for on the improbability of ſuch a ſuppoſition, the force of his preſent objection depends.

He next produces, what he calls *a manifeſt and moſt ſhameful blunder*, from the 14th letter [1], where *Cicero* ſays; *as to what you write concerning the Sedition about C. Antonius, in the 4th Legion*, &c. Upon which our Critic inſults the poor Sophiſt, for *his ſcandalous ignorance, in not knowing, what is mentioned ſo frequently in Cicero's Philippics, that the 4th legion, which is here ſaid to be with Brutus in Macedonia, was actually with Hirtius at this time before Modena* [2]: and ſo far I allow, that *the 4th veteran legion* was now *fighting againſt Antony, in Italy*; and on that account is ſo often celebrated in *Cicero's Philippics*, that no man, who had compiled them ſo diligently as this Sophiſt, could poſſibly be ignorant of it. I allow, likewiſe, that the Roman legions were diſtinguiſhed, according to the order of their enrollment, by the names of the *2d*, *3d*, *4th*, &c. But to clear the letters ſtill from this *manifeſt blunder*, I take it for a certain fact, though our Critic, it ſeems, does not

[1] Jam aliam ἀνησοχησίαν adfero, manifeſtam quidem illam & plane pudendam. Tunſt. p. 215.

[2] Nunquamne in *Orationibus Ciceronis Philippicis*, quarum tamen dicta ſententiaſque ſæpenumero compilaſſe videtur, *legionem quartam Cæſaris* fortunas a principio belli ſecutam eſſe animadvertit; hocque tempore ipſo ſub *Hirtio* Conſule, duce militaſſe? quæ quidem ignorantia ideo turpior eſt, &c. Ibid. 216.

know it, that the Roman Generals, who had occaſion to raiſe new legions in diſtant parts of the Empire, uſed to name them according to the order, in which they themſelves raiſed them, without regard to any other legions whatſoever. Thus I have obſerved, in ſome ancient inſcriptions, *two diſtinct legions*, called at the ſame time *the 4th:* viz. *the 4th Scythian*, and *the 4th Flavian:* the one having been raiſed on the confines of *Scythia*; and the other ſomewhere elſe by *Veſpaſian* [1]: and in *Gruter's collection*, we may find *ſix* or *ſeven* more under the ſame denomination, but diſtinguiſhed by different ſurnames, drawn chiefly from the places, in which they had been raiſed, or had long reſided; as IIII *Cyrenaica*, *Gallica*, *Italica*, *Sorana*, in *Hiſpania*, &c. Thus *Dio* likewiſe, in a catalogue of all *the veteran legions*, which had been kept up to his time, from the reign of *Auguſtus*, reckons *three*, which were each ſeverally called, in different parts of the Empire, by the name of *the third legion*; one in *Phœnicia*, one in *Arabia*, and one in *Numidia: two* others alſo, called *the 6th*; one in *Britain*, and one in *Judæa:* and in the ſame manner *the 7th*, *8th*, and *10th*, appear likewiſe to have been *duplicates* [2].

[1] Vid. Marſigli Hiſt. Danub. Tom. ii. p. 122, 123.

[2] Dio. p. 564. Edit. Hanov. In the area of the Capitol at *Rome*, there is an ancient Stone, with the names of the following Legions inſcribed on it.

Brutus

Brutus therefore, when he made himſelf maſter of *Macedonia*, having ſecured *all the veteran troops in that Province, and raiſed new ones* [1], to the number, as it is here ſaid, of *five legions*, diſtinguiſhed them undoubtedly by the order, in which he himſelf had raiſed and placed them, without reſpect to any other legions in the Empire. For in that time of confuſion, when every General was raiſing not only new, but hoſtile and oppoſite legions, it was hardly poſſible to diſtinguiſh them otherwiſe; ſince it was not eaſy to know, either the diſtinct number of the whole Empire, or that of their particular enemies. *Dec. Brutus* was at the head of *ten*, or at leaſt of *ſeven legions*, all of them new: *Ventidius* at the ſame time had raiſed *three* for the ſervice of *Antony*; ſo that *Brutus*, in giving an account of *the Sedition* in his army, could not mark out the particular legion in which it happened, in any

NOMINA LEG.

II AVGVSTA	II ADIVTRIX	IIII SCYTHICA
VI VICTRIX	IIII FLAVIA	XVI FLAVIA
XX VICTRIX	VII CLAVDIA	VI FERRATENSIS
VIII AVGVSTA	I ITALICA	X FRETENSIS
XXII PRIMIGENIA	V MACEDONICA	III CYRENENSIS
I MINERVIA	XI CLAVDIA	II TRAIANA
XXX VLPIA	XIII GEMINA	III AVGVSTA
I ADIVTRIX	XII FVLMINATRIX	VII GEMINA
X GEMINA	XV APOLLINEA	II ITALICA
XIIII GEMINA	III GALLICANA	XIII PARTHICA
I PARTHICA	II PARTHICA	

[1] Brutus—— in Macedoniam advolavit——legiones conſcripſit novas, excepit veteres. Philip. 11, 12.

other manner, but that of the order, in which it ſtood among his own *five legions.*

He diſcovers another inconſiſtency in the ſame letter, which he calls ſtill *more wonderful:* for *Antony's defeat and flight from Modena* are mentioned in it, he ſays, by *Brutus, before he could poſſibly have heard of them:* which he proves from *the date* of the letter, as it now ſtands in all the Editions, on *the* 18*th of April*, whereas the news of that event did not arrive at *Rome*, till *after the* 20*th* [1]: but the *dates* of letters, as every novice in Criticiſm knows, are too weak a foundation to lay any ſtreſs upon; on account of the infinite blunders, that are perpetually made in them, through the ignorance or inadvertency of tranſcribers, in all MSS whatſoever. They were deſcribed by numeral letters, according to the Roman way of computing, by *the Nones, Ides, and Kalends* of each month, in this manner; VI, V, IV, III, *&c.* Non. VIII, VII, VI, *&c.* Id. XVII, XVI, XV, *&c.* Kal. and there is ſcarce a poſſible miſtake, that can be committed, either by adding, deducting, or tranſpoſing any of theſe numerals, but what has actually been made, in ſome of the beſt MSS, and is ſtill found even in the beſt editions of *Cicero's* works [2]. For example; in one of

[1] Alia porro in eadem Epiſtola *Cicero* noſter memorarat magis adhuc mirabilia. Tunſt. p. 216.

[2] Sometimes an X is dropt out of the date: thus inſtead of XIII Kal. ſome copies have III Kal. [Ep. Fam. x. 6.] Sometimes it is changed into V, and vice verſa; and where we find VIII Kal. other MSS give

his

his letters to his Brother, where he is giving an account of the tranſactions at *Rome* for ſeveral days ſucceſſively, *all the dates*, as they now ſtand, are manifeſtly contradictory to the contents of the letter, and muſt neceſſarily be changed, before they can be reduced to a conſiſtency with it [1]. Thus alſo, one of the letters to *Tiro* [2], is dated *xv Kal. Nov.* where ſome MSS dropping the x, make it *v Kal. Nov.* others changing the month, make it *xv Kal. Dec.* yet the original date, as it evidently appears from a following letter, was *xvi Kal. Dec.* [3].

The dates of letters then cannot be urged in prejudice to facts, unleſs they themſelves be firſt proved to be genuin, or there appear no reaſon at leaſt to ſuſpect them. But in this caſe, it is hard to conceive, that a Sophiſt ſhould flatly contradict, by the date, what he affirms in the

xiii Kal. [ad Att. viii. 6.] Some of the ſingle ſtrokes are oft omitted or added to the original date: ſo that inſtead of ii, ſome copies have iii, others iiii Non. [ad Att. vii. 19.] The *Kalends* likewiſe are often changed to *Ides* or *Nones*, and vice verſa: as where we read *iv Kal. Feb.* ſome MSS have *v. Id. Feb.* [ad Att. viii. 11.] And inſtead of *Prid. Id. Sext.* others, *prid. Kl. & prid. K. Sex.* [Ep. Fam. xiv. 23.] And laſtly, one month is ſometimes put for another. As for *iiii Kal. Jun.* others others have *iiii Kal. Maii*, and others, *iii Kal. Maii.* [ad Att. iii. 8.] All which miſtakes, with many inſtances of each, the reader will obſerve, by comparing *the dates of the letters*, in *Grævius's* edition, with the various readings, which he has collected of them.

[1] Ad Quint. Fratr. l. ii. 3.
[2] Ep. Fam. l. xvi. 7.
[3] Vid. ibid. Ep. 9.

letter, as that *Cicero* himſelf ſhould have done it. Our Critic therefore, if he expects to make any impreſſion, muſt not depend upon *dates*, as of any force in the queſtion: for where he has nothing elſe to alledge, we ſhall reduce thoſe dates to a conformity with the facts, and his pretended contradictions will vaniſh at once: which is a ſufficient anſwer, not onely to the preſent objection, but to all others of the ſame kind.

He offers another of his *notable* objections, as he calls them, to letter the xith; wherein *Brutus* expreſſing his joy for the victory at *Modena*, declares himſelf particularly pleaſed, *that Decimus's eruption or ſally out of the Town, was of ſuch moment towards determining the victory* [1]. Here *Brutus*, he ſays, *ſpeaks of this eruption before he had heard of it.* Becauſe the expreſs, which brought the firſt news of the victory, ſignified, that *Decimus continued ſtill blocked up in Modena:* and ſo he certainly did, when that firſt expreſs came away. But our Critic either widely miſtakes, or wilfully perplexes this fact; for, as I have ſhewn elſewhere [2], there were *two ſeveral victories* obtained againſt *Antony* before *Modena:* in the firſt, *Panſa* was mortally wounded, but *Antony's* troops defeated by *Hirtius:* in the ſecond, *Antony* was utterly routed, though *Hirtius* himſelf was killed; and *Dec. Brutus*, by forcing

[1] Sed in re *Bruti eruptionis* aliud eſt perquam notabile. Tunſt. 217.

[2] Life of Cicero, vol. ii. p. 427.

his

his way at the ſame time out of the Town, helped to complete the victory. The firſt of theſe victories was gained on *the 15th of April*, and the news of it arrived at *Rome* on the *20th*: of which we have a diſtinct relation ſtill remaining; as well as of the rejoicings, made for it at *Rome*, and of the honors, decreed for it to the victorious Generals [1]. The *ſecond* victory, which was more complete, happened a day or two after; and the news of it reached *Rome*, at the ſame diſtance of time: but there is no other account of it now extant, except what may be gathered from ſome ſcattered hints, and occaſional references to it.

Now in this ſuſpected letter to *Brutus*, dated *the 22d of April*, *Cicero* makes but a ſlight mention of theſe two victories, as knowing, what he there declares, *that all the particulars of them were ſent to him by other hands*: and *Brutus's* letter, in which he ſpeaks of *Decimus's eruption*, and returns an anſwer at the ſame time to ſome of the particulars of *Cicero's*, is dated *the 15th of May*; during which interval of above three weeks, our Critic ſuppoſes, and on that ſuppoſition builds his *notable* objection, that *Brutus* had not heard a ſyllable more of that moſt important event, either from *Cicero*, or any body elſe, than what was ſlightly intimated in the letter juſt mentioned, of *the 22d of April*. A ſuppoſition, utterly incredible; and expreſsly

[1] Vid. Ep. Fam. x. 30. Philip. 14.

contradicted by the very letter, which we are considering.

But he pushes this objection still farther; and makes an attempt even to persuade us, that *Antony voluntarily quitted the siege of Modena*, before he was forced to it; and that *D. Brutus* therefore could not make any *such eruption*, as is here pretended [1]: and what is still more strange, that *this same eruption is not taken notice of by any other writer, but the author of these letters* [2]: though he himself has pointed out a passage, where it is expressy declared by the *true Cicero*: who expostulating with *D. Brutus*, for not pursuing *Antony*, after so intire a rout, but giving him time to recollect himself, says; "that *famous erup-* "*tion of yours out of Modena*, brought us such as- "sured hopes of an absolute victory, from the "account of *Antony's* flight, and his army cut "to pieces, that all mens minds were unbent "at once, and cannot be brought to think a- "gain of war [3]." Now does not *this famous eruption*, as it is called by *the real Cicero*, tally exactly with what is here said of it, by the imaginary Sophist; that it was an action of vigor

[1] *Appianus* porro *Antonium*, Mutinæ obsidionem reliquisse narrat——Concinit *Pollionis* Epistola ad *Ciceronem* ipsum. Tunst. p. 219. Not.

[2] Neque quidem præliis iis, quæ postea commissa fuut, quibusque fusis tamen *Antonii* copiis, Consules ceciderunt, quidquam de *eruptoine Bruti* auditur, nisi ab his. *Bruto & Cicerone*. Tunst. ib.

[3] Tantam spem attulerat exploratæ victoriæ tuæ præclara Mutinî eruptio, fuga Antonii, concisso exercitu, &c. Ep. Fam. xi. 14.

and

and importance towards determining the victory? And can *Antony's flight, and army cut to pieces*, consist with a voluntary retreat from the Siege? Yet our Critic, it seems, by his refining art, can extract this exquisite sense out of it.

But he urges us with a contradiction between the letters themselves; because in the 14th letter, *Brutus* is said to have *five legions, with an excellent body of horse, and a great number of auxiliaries*; yet in the 4th is declared to want *both money and recruits*. *Which knot*, says our Critic, *you in vain endeavour to solve, by telling us, that though Brutus in his public letters to the Senate, signified nothing but what was prosperous, yet in his private letters to Cicero, he laid open his wants* [1]. But for my part, I never dreamt of any *knot* in the case; nor can I now see any, but in our Critic's imagination; who fancies, that *five legions with an excellent body of horse*, was a force sufficient to support the liberty of *Rome*. Whereas when *D. Brutus*, who had *ten legions*, was joined with *Plancus*, who had *four*, as good as any in the Empire, with the strongest body of horse; yet they both earnestly demanded *supplies*; without which, they declared themselves too weak, to venture a battle with *Lepidus* and *Antony* [2]: and they had great reason to

[1] Itaque in hoc nodo explicando parum proficis, cum dicis, *Brutum* privatis litteris indicasse inopiam suam, publicis dissimulasse. Tunst. p. 223. Life of Cic. vol. ii. p. 372.

[2] Copias nostras notas tibi esse arbitror. In castris meis legiones sunt veteranæ tres

preſs that demand; ſince *Antony*, as *Plutarch* tells us, after his union with *Lepidus*, marched into *Italy* with *ſeventeen legions and ten thouſand horſe*, and left *ſix legions* ſtill behind him in *Gaul* [1]. *Brutus* therefore, a great part of whoſe troops was newly raiſed, and unprovided with neceſſaries, might well call for recruits, though he had *five complete legions*.

He goes on to tell us, that he finds the ſame contradiction to true hiſtory, with regard alſo *to the affairs of Caſſius* [2]. But what he has produced to ſupport that aſſertion, is ſo perplexed and involved, that I am at a loſs how to unravel it. For after jumbling together ſeveral facts of a different kind, and of different times; and among the reſt, the account of *Caſſius's ſucceſs in Syria*, he declares, *that theſe new events gave birth to the xith Philippic*. Where it is not eaſy to conceive, what it is, that he would ſuggeſt to us. Whether it be, that by the blundering account of theſe letters, *Caſſius's ſucceſs*, the news of which did not arrive at *Rome* till *April*, is made the occaſion of *the xith Philippic*, which was ſpoken in *March*: or whether he would have us take it for his own opinion, that *Caſſius's ſucceſs* did really give occaſion to *that ſpeech*.

tironum vel luculentiſſima ex omnibus una: in caſtris *Bruti*, una veterana legio, altera bima, octo tironum. Ita univerſus exercitus numero ampliſſimus eſt, firmitate exiguus, &c. Ep. Fam. x. 24.

[1] Plut. in Anton. p. 923.

[2] De C. item Caſſio non minora peccata ſunt. Tunſt. p. 223.

But

But whether he means the one or the other, it is certain, that he miſtakes the matter; and that the letters in queſtion are perfectly conſiſtent on this head: ſince they neither ſuppoſe *the news of Caſſius to arrive at Rome, till the beginning of April*, nor make any reference to *Cicero's xith Philippic*, but as to a ſpeech delivered before that time, and without any relation to *that news*: as every one will perceive from the letters themſelves, to which he refers us [1].

His next objection, though more intelligible, is not more to the purpoſe; where he obſerves, that *Cicero*, according to theſe letters, received an account of *Caſſius's ſucceſs, in the beginning of April*, yet writing afterwards to *Brutus, on the 5th of May*, he ſays; *as to Caſſius's forces, we know nothing at all about them; for we have neither received any letters from him, nor any intelligence, that we could certainly depend upon* [2]. Upon this, he inſults, as upon a flagrant contradiction. *What is become now*, ſays he, *of Brutus's expreſs on Caſſius's affairs, on which Cicero congratulated himſelf ſo much, on the xith of April? And how can he write in this manner to Brutus, from whom he had received a diſtinct account of thoſe very forces long before* [3]? But, if he will have a little pa-

[1] Vid. Epiſt. ad Brut. iii. iv.

[2] Vid. Epiſt. ad Brut. iii. x.

[3] Ubi nunc ſunt *Bruti noſtri* nuncii, de *Caſſii* rebus geſtis, quibus *iii Id. Apr.* auditis, *Cicero* Reip. gratulabatur? Quomodo porro nunc ſcribit ad *Brutum*— qui de copiis iis *Brutum* ipſum καλὰ μέτρον narrantem longe

tience,

tience, he will find it all consistent. For though *Cicero* had heard *in April, that Cassius was master of all the forces in Syria*, yet from that time, he had not heard a syllable of what he had done with those forces; or which way he had marched with them, and was in the utmost expectation to hear of some action performed with them. This is all that is meant in the passage before us; as it appears from a letter of *the true Cicero* to *Cassius* himself; wherein he professes *the same ignorance still* of *Cassius's forces in July*, which *the suspected Cicero* does here in *May:* his words are these: "As for your "army, I will do every thing to serve it, that "lies in my power. But there will be time "enough for that, when we begin to know, "what help it is likely to bring, or has already "brought to the Republic. For we have heard "nothing of you hitherto, but attempts onely: "those indeed are great and noble; but we long "to hear of some action: which, I persuade "myself, is already either over, or near at "hand [1]."

Our Critic indeed refers us to another letter of the true *Cicero*, wherein it is said, *that they had heard nothing at all, either where Cassius was, or what forces he had* [2]. Whence he infers, that *Cicero had received no information at all about Cassius* at that time. But this letter was written

ante audiverat? Tunst. p. 225.

igitur *Cicero* nihil dum audierat, nec ubi *Cassius* esset, nec quas copias haberet. Tunst. p. 224.

[1] Ep Fam. xii. 10.

[2] Ibid. Ep. vii. Verus

in

in *March*, immediately after *Cicero* had spoken his *xith Philippic*, of which he gives *Cassius* an account in it: which was *three weeks* before any news about *Cassius* was received at *Rome*, either from *Brutus*, or any body else. So that this testimony has not the least relation to his argument; and can serve no other end, but to perplex and mislead the reader.

He shews more contradictions still, in the case of *C. Antonius*, *M. Antony's* brother, who was *Brutus's prisoner in Macedonia*; and says, *that Cicero did not know, that he was taken prisoner by Brutus, till Pansa had left Rome*; which he quitted in the end of *March*, as I readily allow; but then he affirms, what he cannot prove, that *Cicero* and *Brutus* are supposed in these letters *to have written several times to each other about him, while Pansa continued in Rome* [1]. But *Brutus*, as I have observed elsewhere, sent *two public letters*, at different times, to the Senate, concerning his affairs in *Macedonia* [2]. The first of them arrived, while *Pansa was in Rome*; and signified, that he had secured the greatest part of that province and the troops in it, to the interests of the Republic; and that *C. Antonius was retired into Apollonia, with seven cohorts*, where he hoped soon to give a good account of

[1] *Brutus* tamen noster, quod jampridem fecerat, *Ciceronem* deinceps *de capto Antonio* consuluit; Ciceroque de eodem consilia dedit, dum *Pansa* Consul adhuc Romæ erat. Tunst. in Notis ad p. 227.

[2] See Life of Cicero, vol. ii. p. 400.

him.

him [1]. The ſecond arrived ſhortly after; yet not till *Panſa had left Rome*, and brought word, *that Brutus had now reduced the whole province, and taken Antonius himſelf priſoner* [2]: and this diſtinction of *the two expreſſes*, which our Critic is loth to acknowledge [3], though the nature of the thing ſhews, that there muſt have been *two*, will diſſipate at once his imaginary contradiction.

But with regard to this *Antonius*, he finds *a wondrous inconſiſtency* in the letters themſelves [4]. For in one of them, *Cicero* ſays, "*that no* ene-"mies were ever more worthy of the laſt puniſh-"ment, than thoſe Citizens, who had taken "up arms againſt their country in this war— "and that the Senate had adjudged all to be "enemies, who followed the party of *M. Anto-*"*ny* [5]." And in another, "that there was "no difference between *Dolabella*, and any one "of the *three Antony's* [6]." Yet he declares

[1] Philip. x. 4, 5, &c.

[2] Erat expectatio reliquiarum *Antonii*—ea quoque habuit exitum optabilem—Nam tuæ litteræ, quæ recitatæ ſunt in Senatu & Imperatoris conſilium—declarant. Quod——niſi in turbulentiſſimum tempus poſt diſceſſum *Panſæ* Conſulis incidiſſent---&c. Ad Brut. l. ii. Ep. vii.

[3] Quæ de *litteris Bruti ſecundis* narrantur, mihi merito ſuſpecta ſunt. Tunſt. p. 226. Not. n.

[4] De hoc autem C. Antonio multa alia *Cicero Brutuſque* interloquuntur——antea vero miram ſane ἀνθιλογίαν. ib. p. 227.

[5] Hoſtes autem omnes judicati, qui M. Antonii ſectam ſecuti ſunt. Ad Brut. Ep. ix.

[6] Quid intereſt inter *Dola-*

at

at the ſame time, " that, when he was ſpeak-
" ing to the Senate, upon *C. Antonius* by name,
" he moved for nothing particularly ſevere upon
" him, becauſe he had reſolved to reſerve that,
" till the Senate had received their information
" of his caſe from *Brutus* [1]."

Now in this *wondrous contradiction*, as it is ſtated by our Critic, I can diſcover nothing but what is perfectly conſiſtent. *Cicero* conſtantly preſſed *Brutus*, to conſider his priſoner *Antonius*, as an enemy; whom *Brutus*, contrary to *Cicero's* advice, continued to treat with great reſpect and tenderneſs. But though *Cicero* urged this in his private letters, yet in the Senate, out of regard to *Brutus*, he was content with *Antonius's* being included in the general vote againſt all the adherents of that party, and would not move for any particular or perſonal cenſure upon him; till the Senate according to cuſtom, had received their information of his caſe, from *Brutus*, the General, whoſe priſoner he was.

He has thrown together ſeveral other paſſages, relating to this ſame *Antonius*, as ſeeming to be inconſiſtent with each other; which are all ſo trifling and captious, that I need not trouble myſelf with the recital of them. But he cloſes this argument with an obſervation, which he declares to be *moſt important* [2]: that after all,

bellam, & quemvis *Antoniorum trium*, &c. Ib. Ep. v.

[1] Ib. Ep. ix.

[2] Quod autem maximum eſt, &c. Tunſt. p. 229.

which

which is ſaid in theſe Epiſtles, about the caſe of *C. Antonius*, *between Brutus conſulting Cicero upon it, and Cicero giving advice*; *and Brutus again rejecting that advice*; yet it appears extremely probable, *that Plutarch had not ſeen any ſuch letters* [1]; becauſe he gives this ſummary account of the whole matter; "that *Brutus* for a long "time treated *C. Antonius* with great reſpect, "though many of his friends, as it is ſaid, and "particularly *Cicero*, were writing and urging "him from *Rome*, to put him to death [2]." I ſhall not diſpute with him, *whether Plutarch had ſeen the letters or not*; being very ſure, that he had very little curioſity, about ſeeing any of *Cicero's genuin letters*; but this I will venture to ſay, that if he had not ſeen, he had heard of them at leaſt, and manifeſtly refers to them in this very paſſage; which is as full an account of the affair of *Antonius*, as *Plutarch* is apt to give of affairs of much greater importance.

He obſerves, in the next place, that in the caſe of *Lepidus*, *theſe letters are plainly prophetic, and ſpeak of facts, long before they happened* [3]: for in the third of them to *Brutus*, *Cicero* ſays; "from the letters of your own people, you are "convinced, I gueſs, by this time, of the levity, "inconſtancy, and perpetual diſaffection of

[1] *Plutarchum* tamen harum Epiſtolarum vidiſſe nullam, perquam verifimile eſt. Tunſt. p. 229.

[2] Plut. in Brut. 996.

[3] De Lepido noſter planè divinus eſt. Tunſt. p. 229.

"your

" your friend *Lepidus*, who next to his own Bro-
" ther, hates you his near relations the moſt." This paſſage he ſuppoſes to have been borrowed by the Sophiſt, from a letter of *the true Cicero* to *Caſſius*, which begins thus; " You are in-
" formed, I gueſs, from the public acts, of the
" treachery of your Kinſman *Lepidus*, and his
" ſurprizing levity and inconſtancy [1]." Where *the Sophiſt was very blind*, he ſays, not to ſee, that the letter of *the true Cicero*, which refers to *Lepidus's union with Antony*, was written *after the battle of Modena*; whereas the cenſure upon *Lepidus*, in this ſuſpected one, was written before that battle [2]. And ſo far indeed I agree, that *the times or dates* of the two letters are quite different; but there is a good reaſon for it; becauſe *the facts*, to which they allude, are different too; and *the blindneſs* muſt not be charged *to the Sophiſt*, but to the Critic, whoſe Hypotheſis would not ſuffer him to ſee any fact but *one*, of which *Lepidus* could be guilty. For he affirms, *that, before the battle of Modena, it was not poſſible for Brutus to know any thing of Lepidus's inconſtancy, from the accounts of his friends* [3]: which, though boldly affirmed, is utterly falſe. For before that battle, two of *Lepidus's* Lieutenants, *Silanus* and *Culleo*, marched with a detachment of *Lepidus's* troops to *An-*

[1] Ep. Fam. xii. 8.

[2] Sed tamen ille alter valde cæcutivit, quod non animadvertit, &c. Tunſt. 229.

[3] Tunſt. 230.

tony's assistance; which, as all people then imagined, was done by *Lepidus's* order, but most certainly by his connivence [1]. This then is the fact, to which this letter refers: and which, after *Antony's* defeat, *Lepidus* himself endeavours to excuse to *Cicero*, in an humble strain; disclaiming the act of his Lieutenants, and declaring it *to have been done against his will* [2]. But before the time of *his union with Antony*, which our Critic takes to be *the first, and onely instance of his inconstancy*, *D. Brutus*, in a letter to *Cicero*, calls him, a man *as light and variable as the wind, and who was never disposed to do any thing that was right* [3]: which implies many former instances of an inconstant and perfidious temper; agreeably to the character given of him in these letters, where *Cicero*, speaking of *his union with Antony*, says, *that they had experienced many instances of his levity before, but not any, that was likely to be so pernicious* [4].

As to *the letter of condolence, from Cicero* to *Brutus*, the 16th of this collection; he allows it, whether forged or genuin, to relate, as I have applied it, to the death of *Porcia*, *Brutus's*

[1] Dio, l. xlvi. p. 316.

[2] *Silanus & Culleo* ab eo discesserunt. Nos etsi graviter ab his læsi eramus, quod contra nostram voluntatem ad *Antonium* ierant, &c. Epist. Fam. l. x. 34.

[3] In primis rogo te, ad hominem ventosissimum, *Lepidum* mittas.—Sed mihi persuasissimum est, *Lepidum* recte facturum nunquam. Epist. Fam. l. xi. 9.

[4] Datumque *Lepido* tempus est, in quo levitatem ejus, *sæpe perspectam*, majoribus in malis experiremur. Epist. xviii.

wife [1]. But the author of it, he says, not having the confidence, *openly to assert a fact, so contrary to history, contrived artfully to conceal both the name and the sex* of the *person, whose loss he was condoling.* But this very circumstance is so far from suggesting the suspicion of a forgery, that it suggests just the contrary: for it is not credible, that a Sophist, who had taken the bold resolution to contradict all history, should be so bashful at the same time, as to involve what he had to say in such obscurity, that nobody should be able to understand it: whereas, on the other hand, it is natural to imagine, that *Cicero*, writing upon the death of a beloved wife, should chuse out of good manners, and a regard to *Brutus's* tenderness, to avoid the mention of her name, or to dwell upon her personal qualities: which is the probable source of the difficulty, that the learned have found, in determining the real subject of the letter.

He adds a remark, as a farther proof of the Sophist's craft; how he had taken care before hand, *to drop a small hint of Porcia's illness*, that we might not be surprized to hear of her death [2]. This was cunningly done indeed, to make us believe, that she happened to be sick before she died. Yet after filling a page or two more, with observations of the same sort,

[1] De *Porcia* — scriptam fuisse tecum omnino judico, &c. Tunst. 231.

[2] Pro suo artificio—*Brutum* de valetudine *Porciæ* spargentem induxit. Tunst. 231. See Lett. xvth.

he declares the letter itſelf to be a *poor, jejune compoſition, which could not poſſibly be Cicero's*; becauſe *Cicero*, on ſuch an occaſion, would have collected examples of ſimilar loſſes from all hiſtory, as he had done before, in his treatiſe *on Conſolation*, written upon the death of his daughter: where, as he proves by an heap of teſtimonies, *Cicero* had drawn together all the caſes of the ſame kind, that either *the Greek or Roman hiſtory* furniſhed [1]. But he might have ſpared his learned pains; for if he had reflected on the circumſtances, in which *Brutus* then was, at the head of the moſt important and critical affairs, in which a mortal could be engaged, and on which the fate of *Rome* depended; he muſt have thought, that the leſs, which was ſaid on ſo tender and dejecting a ſubject, muſt needs be the better; and that this letter, as ſhort and ſlight as it appears, was more agreeable to the prudence of *Cicero*, and the ſituation of *Brutus*, than the moſt ſtudied compoſition on the ſame argument could poſſibly be.

He goes on to produce more contradictions from two other letters, relating to *Vetus Antiſtius*. The firſt was written by *Brutus*, and brought to *Rome* by *Vetus*, at a time when *Brutus* ſuppoſed the Conſuls to be living [2]: but here lies the contradiction; that though the matter of the letter implies it to have been written, *while the Conſuls were alive*, yet it is ſignified in the beginning of it, that the writer had heard of *the*

[1] Tunſt. p. 236. in notis. [2] See Lett. vith. *battel*

battel of Modena, and consequently of *their death* [1]. It is very strange, that a cunning Sophist should be so forgetful of himself in a short letter, as to contradict in one line, what he affirms in another: but this reflection does not stop our Critic; who, when it serves his purpose, can find a contradiction wherever he pleases: the words in which he finds it are these; "*Vetus Antistius* is so well affected to the "Republic, that I cannot doubt, but that, if he "had met with an occasion, he would have "shewn himself a strenuous assertor of our "common liberty, both against *Cæsar* and *An-*"*tony* [2]." Now according to his comment, the occasion, which *Vetus* had never met with, of acting against *Antony*, was nothing else but *the battel of Modena*, in which *the two Consuls were killed* [3]. But what man living, besides himself, can discover any such sense in them? The meaning of them is evidently this; that if *Vetus* had been at *Rome*, while he resided in the Provinces, he would have joined with the friends of liberty, in declaring and acting both against *Cæsar* and *Antony*: and there were occasions enough of doing that, long *before the battel of Modena*. *Cicero* began to act openly against

[1] Sed *Brutus*, cum illam epistolam scripsit, se *Mutinensis* prælii nuncium accepisse, ipse in initio epistolæ declarat. Tunst. 238.

[2] See Epist. vi.

[3] Jam illa occasio, cui *Antistium* occurrere non potuisse, *Brutus* cognoverat, prælium ipsum *Mutinense* erat. Ib. 239.

Antony in *November*; *Octavius* had done it before: *Hirtius* led out an army againſt him in *January*; and every body was declaring and acting on the one ſide or the other. But no occaſion could be of uſe to our Critic, except *the battel of Modena*; and, unleſs that battel be referred to in thoſe words, his pretended contradiction falls to the ground; where it will be his wiſeſt part, I believe, to let it lie.

Vetus then, for any thing that appears to the contrary, might come to *Rome* at any time while *the Conſuls were living*; or before he knew at leaſt of their death. But he came, as the letter informs us, to ſue for the Prætorſhip; and if the Conſuls ſhould not hold that election in due time, had promiſed *Brutus to return to him directly*; yet from the letter, which *Cicero* ſent back by him to *Brutus* [1], we find, that he ſtaid to the beginning of *July:* all which may eaſily be accounted for, by ſuppoſing onely, that a perſon of *Vetus's* rank, who had governed a Province, and been long abſent from *Rome*, might find more buſineſs there at his return, than he expected, or enough at leaſt, to detain him for three or four months. But there is an obvious reaſon for his ſtay, ſuggeſted by the circumſtances of the times, as well as by *Cicero's* genuin letters; namely, the difficulty of making an election of Prætors, occaſioned by the unexpected death of the Conſuls; ſince no other Magiſtrate could regularly call an aſſembly of the

See Lett. xviith.

people

people for that purpoſe: yet in that exigency and time of confuſion, the Prætors ſeemed to have taken a reſolution to exerciſe that prerogative, till *Cicero*, by his perſonal authority, got the election poſtponed to *the January* following; when *D. Brutus* and *Plancus* were to enter upon the Conſulſhip, from whoſe adminiſtration he expected the eſtabliſhment of their liberty and ancient conſtitution [1].

As to what is objected, concerning the *elections into the Prieſthoods and the Prætorſhips* [2], ſince it appears to have nothing ſolid in it, I ſhall ſpare myſelf the trouble of repeating it. The ſumm of it amounts onely to this; that our Critic does not know how to reconcile it to the cuſtoms and conſtitution of *Rome*; and that *Manutius* alſo is puzzled how to ſolve it: all which may ſafely be granted, without any diſcredit to the letters themſelves: for ſuppoſing them even to be forged, I can eaſily imagine the author of them, to have been more perfectly acquainted with the conſtitution of the Republic, than any modern Critic, who has ſince attempted to explane them. But if any difficulty ſhould occur to the reader on this article, he will find, I hope, a ſatisfactory account of it in the notes [3].

[1] Vid. Ep. Fam. x. 25, 26.

[2] Tunſt. Epiſt. p. 241, &c.

[3] See Lett. xth, Note [10], and Lett. xxth, Note [3].

He concludes his obſervations about *the Prieſthoods*, with this acute reflection, that the Sophiſt, having underſtood from hiſtory, *that young Cicero was made a Prieſt by Auguſtus*, took occaſion to form a letter or two upon that ſubject, and to feign *Cicero* himſelf greatly ſolicitous to procure that honor for his ſon [1]. But were not all the Roman Nobles juſt as ſolicitous, as *Cicero* is ſaid to be here, to get *their Sons elected Prieſts?* If there was no ſuch practice in *Rome*, that might be a reaſonable objection to theſe letters, which make ſo much mention of it: but if all the Nobles, at all times, really acted, as *Cicero* is ſuppoſed to act on this occaſion, what room is there for any ſcruple, or refinement in the caſe? But this is his conſtant method of criticiſing; if he ſees any thing in the letters, which he knows not how to reconcile to *hiſtory*, or to *the true Cicero*, or to *the cuſtoms of Rome*, he condemns them preſently as ſpurious; if he finds them to agree exactly with them all, he then alarms us, with *the ſcholaſtic arts*, *the minute diligence*, and *the ſubtle imitation of the Sophiſt* [2].

He procedes to obſerve, that from *the number*

[1] Non ſine cauſa videor ſuſpicari, noſtrum—ὑπόθεσιν ſcribendi ſumpſiſſe ex eo, quod illum poſtea a *D. Auguſto* Sacerdotem factum eſſe ex hiſtoria comperiſſet. Tunſt. 245.

[2] Περιεργασία etiam ſcholaſtica in illis eſt. Ib. 235. Not. Hic notanda diligentia minime Ciceroniana. Ib. 245. Imitationis veſtigia magis manifeſta ſunt. Ib. 220. Not. &c.

of

of auguries in theſe letters, or *preſages of things*, which really happened, it is reaſonable to conclude, that *the events did not follow the predictions*, but that *the predictions were forged afterwards upon the events* [1]: and this he frequently inſinuates in different parts of his work [2]. For it never ſeems to enter into his head, that *Cicero* could know any thing more of affairs than he, or be able to foretel, what he ſhould never have dreamt of. But whatever he may think of *Cicero*, an eſteemed writer of *Cicero's* own times, who lived with him, and after him, has left us this teſtimony with regard to the point in queſtion, *the preſages of his letters*; "that his wiſdom might be looked upon as a "kind of divination; ſince he foretold things "in futurity, not ſuch onely, as happened "whilſt he himſelf was ſtill living, but declared "as a Prophet, what came even into common "uſe and practice after his death [3]." Thus what thoſe ancients, who knew *Cicero* perſonally, have delivered as the diſtinguiſhing character of his letters, our ingenious Critic conſiders every where, as the very proof and criterion of their forgery.

[1] Tunſt. p. 245, 250, &c.

[2] Hic rerum multo poſt futurarum προόλψις eſt. [Ib. p. 226.] Sequitur aliud *Bruti* vaticinium. Ib.

[3] Ut facile exiſtimari poſſit, prudentiam quodammodo eſſe divinationem. Non enim *Cicero* ea ſolum, quæ vivo ſe acciderunt, futura prædixit, ſed etiam quæ nunc uſu veniunt, cecinit ut vates. Corn. Nep. in Vit. Att. c. xvi.

But what, after all, are *these frequent auguries*, which give him so much offence? Why, after the battel of *Modena*, and the death of the two Consuls, *Cicero* begins to apprehend, that *Octavius*, who by that accident was become the master of all the veteran forces in *Italy*, *would not be governed by him so easily as he had hitherto been:* and *Brutus* also, on his part, before he had heard of *Octavius's* design upon the Consulship, expresses his fears, *lest he should take a resolution to seize upon it* [1]: apprehensions so obvious and natural, that they could hardly fail of being entertained, in some degree or other, by all men of sense. But observe the strange perverseness of our Critic. He had been contending, at setting out, that *Octavius*, even before *Brutus's departure out of Italy*, and while he had little or no power to do either good or harm, had given *the strongest reasons to apprehend every thing bad of him*; yet now at last, when *Octavius* had got all power into his hands, he contends, that he had not given the least ground to suspect, *that he would make an ill use of it*.

To this article of predictions, *he will add*, he says, *one prediction more, but that indeed a manifold one, delivered with singular confidence*, in the following words; "As to myself, I can say, "what *Plautus's* old man says in *the Trinummus*, "Life is almost over with me; it is you, who "are the most interested in it. You will be un- "done, *Brutus*, believe me, if you do not take

[1] Tunst. p. 213, 248, &c.

"great

" great care. For you will neither have the " people always the ſame as now, nor the Se- " nate; nor a leader of the Senate. Take this " as delivered to you from *the Pythian Oracle*; " nothing can be more true [1]."

Upon this paſſage he cavils, in the firſt place, at ſomething, I know not what, in the expreſſion, as not being *Ciceronian*, but betraying *a ſophiſtical diligence* [2]: he diſcovers likewiſe a *prediction*, which *Cicero here makes, of his own death* [3]. Then as to what is declared, of the probability of danger to *Brutus*, and of a turn of affairs at *Rome*, he takes great pains to prove, that it could not be foretold at this time by *the true Cicero*, but was forged afterwards by the Sophiſt from the event. The ſtrongeſt argument that he alledges for it, is this; " that the " letter, in which *this Oracle* is delivered, was " moſt certainly written before the news of the " victory at *Modena* arrived at *Rome*; at which " time *the true Cicero* could have no ground " for ſuch a preſage, ſince the whole people and " the Senate, with *Cicero* himſelf at their head, " were wonderfully unanimous in the defence " of their common liberty [4]." But in an-

[1] Tunſt. p. 245. See Lett. xiv.

[2] Hic notanda diligengentia minime Ciceroniana. Ib. 245.

[3] Rurſus *Cicero* ſuam mortem providit—*mihi quidem ætas ferme acta eſt.* Tunſt. 232, in Notis.

[4] Imprimis hoc oraculum tum eſſe, cum pugna Mutinenſis jam eſſet commiſſa, nec tamen ejus rei fama ad Romam uſque per-

ſwer

ſwer to this, it happens, that this letter, contrary to what our Critic affirms, was written *after the victory at Modena had been known for ſome time at Rome*, as the contents of it expreſly demonſtrate; and the date of it therefore, on which he wholly depends, ought to be reduced, as I have ſhewn above, to a conformity with the contents.

But at what time ſoever the letter was written, it is certain, that there is nothing either ſtrange or improbable, in any part of the prediction. As long indeed as *Cicero* continued the leader of the Senate, and the favorite of the people, things were ſure to go well in the City; but whenever any accident ſhould happen to him, a reverſe was certainly to be apprehended: and even whilſt he lived, the populace, always fickle, might poſſibly be gained by artifice or bribes to turn againſt him: and in the Senate itſelf, where he had the aſcendant, it was with no ſmall ſtruggle, as it appears from his *Philippics*, that he was able to maintain it, againſt the Chiefs of the oppoſite faction: and we find from his genuin letters, what he declares in theſe ſuſpected ones, that even *after the battel of Modena*, and in the midſt of their joy for that victory, he found *more malevolence than gratitude*,

veniſſet, certiſſimum eſt. Hoc autem tempore ipſo, *Cicero* noſter domi populum, Senatum; Senati ducem, civitatem denique totam in libertate communi defendenda admirabiliter conſentientem videbat. Ib. 247. See Lett. xiv.

in

in a great part of that body [1]. All this, I ſay, is declared by *the true Cicero*, while their affairs ſeemed to be in a proſperous ſtate; yet our Critic thinks it incredible, that he could foreſee the poſſibility of a change in them. But I am aſhamed to detain the reader on ſuch trifles; of which I may ſay with much truth, what he has not ſcrupled to declare of theſe letters, that they are the fruits *of ſcholaſtic futility*, and betray a total ignorance of *affairs and real life* [2].

He has offered two objections more to the general character of theſe letters, which I have not yet touched upon: firſt, that *they want the beauty and copiouſneſs of the Ciceronian ſtyle* [3]; ſecondly, *that they are all drawn in the ſame ſtyle and manner of writing*, as coming evidently from the ſame hand [4].

As to the firſt, it is ſo contemptibly ſupported, that it is hardly worth while to take notice of it. He has collected ſeveral paſſages, which he declares to be *futile*, *improper*, *too confuſed and hard in the ſyntax*, to be received as *Cicero's* [5]: and he obſerves, that the *true Cicero*,

[1] Ep. Fam. x. 12. xi. 14. ad Brut. 21.

[2] Ut ex περιεργασία potius & meditatione ſcholaſtica, quam ex negotiis ipſis, vitæque veræ actione natæ eſſe viderentur. Tunſt. 193.

[3] In illis orationis *Ciceronianæ* candidiorem copiamque ſtatim deſiderabam. Ibid.

[4] Tum eodem genere & colore deſcriptas eſſe clare perſpexiſſe videbar. Ibid.

[5] Hæc autem ſunt & diſpoſitione perturbatiora, & συλλάξει duriora, quam ut credantur eſſe *Ciceronis*. [Tunſt.

if

if he had begun a ſentence with *cave exiſtimes*, would have reſumed it after a *parentheſis*, with the ſame phraſe; and not as this Sophiſt, with *cave putes* [1]: and that he would have uſed the præpoſition *per*, where the Sophiſt has uſed *propter* [2]; with other criticiſms of the ſame kind, which cannot be a proper ſubject of diſpute, except with thoſe, who profeſs to be perfect maſters, not onely of *Cicero's* writings, but of the whole extent of the Latin tongue; which no modeſt man will eaſily pretend to. Such cavils as theſe might be formed, I dare ſay, from every page of *Cicero's* genuin Epiſtles. In the laſt of them to his Brother, which immediately precedes this very collection, caſting my eye upon the end of it, I obſerved the following ſentence, *ſed ſumus unà tamen valde multùm*; which conſiſts onely of ſix words, and yet five of them *adverbs*. Now might we not declame here with our Critic, upon *the poverty and futility of the diction*; that it *wants the beauty and copia of the Ciceronian ſtyle*; and *cannot poſſibly be received as Cicero's?* Yet *Cicero* himſelf tells us, that *in familiar Epiſtles*, he was not at all ſcrupulous about the choice of words, but took the firſt that occurred from *vulgar uſe* [3].

220, in Notis.] Et ſane in his Epiſtolis multa duræ & fæculentæ orationis exempla occurrunt. [Ib. 221. Not.] Hæc item duriuſcula ſunt. [Ib. 222. Not.] Hæc omnino futilia. Ib.

[1] Ibid. p. 204.

[2] Ibid. p. 234.

[3] Veruntamen, quid tibi ego in *Epiſtolis* videor? nonne plebeio ſermone agere tecum?—*Epiſtolas* vero quotidianis verbis texere ſolemus. Ep. Fam. l. ix. 21.

But

But in truth, all arguments drawn from *ſtyle*, are of too looſe and precarious a nature, to have any great weight in queſtions of this ſort; there being no ſettled rule or criterion, to which we can apply them, but the different taſte and judgement of different men. Our Critic denies theſe letters to be *Ciceronian*, and others perhaps may do the ſame; yet the generality of the learned have always been of a contrary mind; and *Manutius* uſed to admire the peculiar dignity, or *majeſty*, as he called it, *of ſtyle in them* [1]. For my own part, I take *Cicero's* hand to be ſo clearly diſcernible in them, as to think it hardly poſſible, that they could have been written by any body elſe; and if the expreſſion, in any of them, appears to be ſomewhat different from that of his other Epiſtles, it is no more, than what may be charged to a difference of the ſubject; which is generally more urgent and warming in theſe, than in any of the familiar kind. The moſt effectual way of attacking them on the article of ſtyle, is to produce ſome phraſes, of a *later origin and uſe* than the age of *Cicero:* and if, as our Critic contends, they had been forged after the time of *Plutarch*, we ſhould certainly find ſome inſtances of that ſort in them, on account of the remarkable change which the Latin tongue had undergone in that

[1] *P. Manutius*, in familiaribus ſermonibus, ſæpe ſolet earum epiſtolarum *majeſtatem* prædicare. Andr. Patr. Schol. in Fragm. Epiſt. ad Brut. p. 5, 6.

interval

interval; in which many new words were introduced, unknown to the *Ciceronian* age; and the whole turn and fashion of writing quite altered; as every one may readily observe, in all the best writers of the intermediate ages, between *Cicero* and *Plutarch*.

As to the second objection, of *an identity of style in them all*, it depends upon the bare word and authority of our Critic. But though it could not be thought strange, if in a series of letters, between two great men of the same age and City, some similitude of expression or sentiment should happen to be found, yet in these, every man must necessarily discern as great a difference, as can possibly be expected, from the different characters of the two writers [1]. In *Brutus's*, we see an impatient, querulous, dogmatic manner: agreeable to the fierceness and haughtiness of his nature: in *Cicero's*, all the calmness, prudence, and management of *Brutus's* temper, that we should expect from an experienced Statesman, all whose views were bent, in that crisis of their affairs, on the preservation of his country: and it is this different spirit, so agreeable to the characters of the men, which makes the letters themselves so much admired by all, who read them with any judgement or attention.

Yet what is the most remarkable, our Critic, while he insists upon *this identity of style*, and

[1] See Life of Cicero, vol. ii. p. 487.

even

even argues from it as an allowed fact [1], has himself affirmed, and endeavoured to prove, the *greatest difference* between the letters, that can be imagined, between any of the most different writers. He calls *Brutus's Epistle to Atticus*, *really a fine one* [2]; and as for the other to *Cicero*, he gives it all the praise that can be given to a letter; and declares it to be *justly admired by all, who have any taste of fine writing, or any sparks of liberty in them* [3]. Yet on the other hand, he declares *Cicero's* answer to *Brutus*, or apology for himself, to betray the *operose diligence and wretched craft of the Sophist*; *to be insipid, blundering, foolish; full of obscurity, impropriety, and impertinence* [4]. What is become then of *his pretended identity of style, and coloring* in all the letters; when he himself ascribes to *Brutus's*, all the beauties, and to *Cicero's*, all the faults, that can possibly be found in any compositions of that sort?—Nor is this less contradictory to another reflection, which he insinuates with equal judgement in different parts of his work, that the Sophist's view in these letters, was *to vindicate Cicero's conduct and character:*

[1] Quod quidem latius etiam patere videtur, atque efficere, ut genus etiam utriusque epistolare, *unum & prope Germanum, quod in hoc epistolarum volumine deprehenditur*, nequaquam esse potuerit. Tunst. 205.

[2] Illam ad *Atticum*, sane bellulam. Ib. 200.

[3] Neque quidem mirum est, eam in omnibus iis, qui vel de scriptis recte judicare possunt, vel ullos libertatis igniculos habeant, incredibilem excitasse admirationem sui. Tunst. 203.

[4] Ibid. p. 204, ad 215.

ſince he affirms the onely two letters, which accuſe him, to be the fineſt and the ſtrongeſt; and *Cicero's defence* of himſelf, to be the moſt trifling and contemptible in the whole collection.

But, as I have intimated above, the matter of theſe letters ſeems to be a ſtronger evidence for their authority, than their ſtyle. For it conſiſts of a great variety of facts, and ſeveral of them not touched upon by any other writer; which could be known onely to thoſe, who were intimately acquainted both with the conſtitution of *Rome*, and the affairs of thoſe times; and are generally of ſuch a nature, as no Sophiſt would chuſe for the ſubject of his forgery, or venture to deal in ſo freely, for fear of betraying himſelf; unleſs we ſuppoſe him ſo perfect a maſter of all hiſtory, as to be aſſured, that it could furniſh nothing to detect him.

The very firſt letter, for inſtance, which is cited by *Nonius Marcellus* (a circumſtance ſufficient of itſelf to evince its authority) is natural and probable, ſuppoſing it to be real, but quite otherwiſe, on the ſuppoſition of its forgery. For why ſhould a Sophiſt pitch upon a *Clodius*, for one of *Cicero's* intimate friends; a name particularly hoſtile to *Cicero?* Why ſhould he feign him a *Tribun elect*, when the *Clodii* were generally *Patricians*, and incapable of the *Tribunate?* Why ſhould he give him a title, that carries with it an hiſtorical mark, that might poſſibly detect him; ſince it fixes the date of the letter to ſome time between the death of *Cæſar* and

the

the 10*th of December*; on which day *the Tribuns elect* entered into office? Why ſhould he imagine him to have been obliged to *Antony* as well as to *Brutus*, and on that account ſuſpected in his allegiance to the Republic? Yet all this, I ſay, is natural for the true *Cicero* to write: for though the *Clodii* were generally in oppoſition to *Cicero*, yet in ſo numerous a family, there were ſome ſtill, without doubt, who were his particular friends; ſome alſo, who muſt have been *Plebeians*, either by adoption or deſcent from the freedmen of the *Patrician* branch, who had recommended themſelves gradually to the honors of the ſtate: and the time of this letter was the very ſeaſon of people's taking their party, either for *Antony* or *Brutus*: and in the caſe of a Tribun, *Cicero* would neceſſarily be ſolicitous to ſecure him to the Republic, and prevent any coldneſs between him and *Brutus*, that might alienate ſo powerful a magiſtrate. But on the other hand, to ſuppoſe a Sophiſt ſitting down, with ſo much thought and contrivance, to dreſs up a mere dry fact, void of all entertainment to the reader, is an hypotheſis too forced and improbable, to be embraced by men of ſenſe, without ſolid reaſons to ſupport it.

As for *the Epiſtle*, as it is called, to *Octavius*, which is annexed to theſe letters in all the editions, our Critic, from an imaginary ſimilitude of ſtyle, pronounces it to be of *the ſame ſtamp*,

and to come from *the ſame hand* with the reſt [1]. Yet, as far as I am able to judge, any one, with a moderate uſe of the Latin tongue, would diſcover a manifeſt difference on the firſt reading. He himſelf allows the Epiſtles which I am vindicating, to be *elegant and ſhining both in diction and ſentiment*; declares ſome of them, as we have ſeen above, to be *fine compoſitions*, and juſtly admired by all, *who have any taſte of polite writing or any ſparks of liberty in them* [2].

But in this pretended Epiſtle, he would be puzzled to find a ſingle ſentiment, or a ſingle word, I may ſay, that ſhines. It is a ſtiff and forced performance; void of all beauty either of ſtyle or ſenſe; ever flat and ſpiritleſs, where it labors the moſt to move: in ſhort, it is no Epiſtle, but the declamation of ſome boy, venting his indignation, and trying under the perſon of *Cicero*, how well he could harangue on the perfidy and ingratitude of *Octavius:* but whatever ſimilitude our Critic may pretend to find between this and the other Epiſtles, yet time, the ſureſt judge and diſcerner of true and falſe, has made a moſt ſubſtantial difference between them, by rejecting the one and retaining the other: for there is not perhaps a ſingle perſon now living, who takes the one to be genuin;

[1] In Epiſtola ad *Octavium*, quæ propter multa ſimilitudinis veſtigia ab eadem manu profecta eſſe videtur. Tunſt. p. 221. Not.

Epiſtola ad *Octavium*, quæ τῇ αὐτῇ κόμμᾳ eſt. Ib. 232. Not.

[2] Ib. p. 193, 200, 203, 231.

and

and very few, I believe, beſides our Critic, who hold the other to be forged. *Victorius* indeed, as our Critic takes notice, entertained a more favorable opinion of this piece [1]; and *thought it not very different either in expreſſion or ſentiment from Cicero's genuin manner:* which ſerves only to confirm, what I have already obſerved, concerning *the precarious nature of arguments drawn from ſtyle*; ſince ſo learned and eminent a Critic was ſo eaſily deceived by it. I have added this piece however to the preſent collection, leſt it ſhould be thought the leſs perfect, for wanting any thing how contemptible ſoever, that is found in all the former editions.

I have now examined all our Critic's objections, which I took to have any weight in them, in the order in which he has ranged them; nor have willfully omitted any; but what are either too trifling to deſerve any notice; or are conſidered by me in the notes on the particular paſſages objected to. But our Critic himſelf will hardly accuſe me, of neglecting any of his capital arguments; or ſuch, as he had reaſon to lay any ſtreſs upon: and a great part of the reſt, which ariſe from corrupt *dates*, and the confuſion, in which the Epiſtles have hitherto lain, will be diſſipated at once by the very diſpoſition and order to which I have reduced them. On the whole, the reader muſt needs be ſurprized, to ſee ſo bold an attempt ſo weakly ſupported;

[1] Tunſt. p. 251.

and

and ſcarce a ſingle objection produced, but what is grounded either on miſtake, or miſapplication of the teſtimonies alledged to confirm it. How far any other Critic may venture hereafter upon the ſame attempt, and with what better ſucceſs, I will not take upon me to determine; but this I may ſafely affirm, that the glory of atchieving it can never be reſerved, after ſo many ages, to an adventurer, in the noviciate of his Criticiſm, and the very firſt eſſay of his ſkill.

As to the other part of his Latin Epiſtle, every one will eaſily gueſs from this ſketch of his critical talents, what the merit of it muſt be. It is all of a piece; exactly agreeable to the ſpecimen here given. For I have not ſingled out this part, as the moſt obnoxious, or moſt liable to be confuted; but as the onely one, in which men of letters and curioſity could be intereſted. The reſt was written by him, as he profeſſes, with a view of raiſing ſome reputation to himſelf, by expoſing the faults of a work, which has been received with approbation by the public [1]: and in purſuance of that deſign, he has employed it chiefly in conteſting the time and order of

[1] Commendatius inde inſtitutum illud noſtrum fore arbitrabar, ſi per earum Epiſtolarum ſcripturam depravatam, rerumque etiam ipſarum obſcuritatem, Te vel minus recta quædam pro certis venditaſſe, vel recta nonnunquam perperam intellexiſſe conſtaret. Vid. Tunſt. Epiſt. p. 1.

certain

certain minute facts, delivered in *the Life of Cicero*; which, whether true or falſe, are of little or no moment, either to the general truth of the hiſtory, or the credit of the work; and it cannot therefore be of any uſe or entertainment to the public, to be informed, whether he or I have blundered the moſt about them. Yet if I ſhould ever be invited by a proper occaſion, to enter upon that taſk, I could ſhew his whole performance, as eaſily as I have ſhewn this part of it, to be a frivolous, captious, diſingenuous piece of criticiſm; full of more real miſtakes within the compaſs of a little volume, than he pretends even to have found in the large work, which he has thought fit to criticiſe.

But to return once more to the Epiſtles. It may be proper, before I commit them to the reader, to put him in mind of an obſervation, which will enable him to judge the more clearly of this queſtion, of their authority. They were all, excepting the firſt, written within the compaſs of four months; from the beginning of *April*, to the end of *July*; and make frequent mention or reference to four principal facts; the times of which being known from *Cicero's* genuin Epiſtles, may ſerve as ſo many *æra's* towards ſettling the dates of the particular letters. The firſt of thoſe facts is, the Conſul *Panſa's march out of Rome*, at the head of his army, to join his Collegue, *Hirtius*, near *Modena*; on which he ſet forward before the *30th of March*.

March [1]. The second is, *the battle of Modena*, which happened on the *15th of April* [2]. The third is, *the union of Lepidus with Antony*, on the *29th of May* [3]. The fourth, *the vote of the Senate*, condemning *Lepidus* as an enemy, on the *30th of June* [4]. Now if there be any mention of these facts in the following letters, which cannot be reconciled with their known dates, it must be allowed to be a strong argument in favor of our Critic's hypothesis: but if nothing of that kind can be found in them, it is a great confirmation, on the other hand, of their genuin authority.

To conclude; since these letters have never yet been reduced to their proper order by any of the Editors, but published generally, as they happened to be thrown together by the first collectors of them, from imperfect and mutilated copies; I have endeavoured to dispose them in the very order, in which they were written; as far as it can be collected from the matter of the Epistles themselves: which will clear them from many of the difficulties, and imaginary contradictions, with which they have been charged. How far I have succeeded in giving *Cicero's* genuin words, or in rendering his genuin sense; I readily submit to the judgement of the reader.

[1] Ep. Fam x. 10.
[2] Ib. 30.
[3] Ib. 23.
[4] Ib. l. xii. 10.

END of VOL. IV.